HISTORICAL SELECTIONS

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HISTORICAL SELECTIONS

BY

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PROFESSOR IN THE UNIVERSITY OF NEBRASKA

"The exclusive idea of political history . . . has been gradually yielding to a more comprehensive definition which embraces as its material all records, whatever their nature may be, of the material and spiritual development, of the culture and the works, of man in society, from the stone age onwards. . . . The growth of the larger conception was favoured by the national movements which vindicated the idea of the people as distinct from the idea of the state; but its final victory is assured by the application of the principle of development and the 'historical method' to all the manifestations of human activity — social institutions, law, trade, the industrial and the fine arts, religion, philosophy, folklore, literature."

— J. B. BURY,
An Inaugural Lecture.

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PREFACE

THERE have been many compilations bringing together in convenient form the literary sources of history. These are confined, however, to more or less definite periods or to special aspects of civilization. A place may also be found for a source book of the widest scope, covering the whole historic field and dealing with the cultural development of humanity in all ages for which we have written records. Such a book is now offered to the reader. The materials in it are primary and contemporary documents. They have been chosen, not with an artistic purpose, but entirely for the light cast by them on the beliefs, customs, and institutions of civilized mankind. As a rule, not more than one extract has been assigned to a particular topic, though occasionally it seemed desirable to include several extracts on the same theme or on nearly related themes. The arrangement followed is in part chronological and in part topical, depending on the nature of the subject-matter. While some of the selections are necessarily very brief, the great majority of them are long enough, I believe, to leave a definite impression on the reader's mind.

I have tried to present the best translations, wherever a choice between versions lay open to me, and to supply each extract with such comments and notes as seemed indispensable for its understanding. Both commentary and annotation might have been much more extended, but it was not my purpose to subject the sources to an elaborate analysis. The Table of Contents gives the titles of the five hundred and seventy-five selections, and the Index includes cross-references to all the works from which quotations have been made.

The extracts are reprinted in their original form, without verbal change and without modification of spelling, capitalization, or punctuation. I have sometimes broken up a very long paragraph into several paragraphs, and I have regularly omitted the brackets indicating translators' interpolations. The brackets have been retained in the case of a few documents (such as laws, treaties, and creeds), the exact text of which is all-important, and also where I have myself ventured to interpolate a necessary word or phrase. No omissions have been made, except as indicated by the usual signs.

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This volume could not have been prepared without the coöperation of many publishers in the United States and Great Britain. Their liberal, and in some instances even generous, terms have enabled me to print much copyrighted matter otherwise unavailable. I thank them, and I also thank various scholars — whose names are too numerous to list here — for permission to use books which they have edited or translated. My special acknowledgments are due to the members of the Department of History, University of Pennsylvania, who have freely opened to me the rich materials in the well-known series, *Translations and Reprints*.

Certain collections of sources, cited in footnotes by abridged titles, are listed below.[1] The Biblical quotations have been taken, by permission of the publishers, from the translation of the Old Testament according to the Masoretic text (Philadelphia, 1917, Jewish Publication Society of America), the revised translation of the Apocrypha (Oxford and Cambridge, 1894), and the American revised version of the New Testament (New York, 1901, Thomas Nelson and Sons).

HUTTON WEBSTER

LINCOLN, NEBRASKA
November, 1928

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HISTORICAL SELECTIONS

PART I

THE NEAR EAST

SECTION I

EGYPTIANS

1. The Palermo Stone [1]

The earliest known annals of Egypt and of any country are found on a small block of black diorite now preserved in the museum at Palermo, Sicily. The stone seems to be only a fragment, broken off from a larger slab, on which had been inscribed the names of early rulers and the chief events of their reigns for the first five dynasties. The hieroglyphic text is unfortunately very incomplete, and the record does not become at all detailed until the Third Dynasty (*c.* 2980–*c.* 2900 B.C.) is reached. The extract below contains an account of three years during the reign of Snefru (Seneferu), the last Pharaoh of this dynasty.

Building of 100-cubit dewatowe-ships of meru wood, and of 60 sixteen [2]-barges of the king. Hacking up the land of the Negro.[3] Bringing of 7,000 living prisoners, and 200,000 large and small cattle. Building of the wall of the Southland and Northland [called] "Houses-of-Snefru." Bringing of 40 ships filled [with] cedar wood.[4] 2 cubits, 2 fingers.[5]

Making 35 houses . . . of 122 cattle. Building of a 100-cubit dewatowe-ship of cedar wood, and 2 100-cubit ships of meru wood. Seventh occurrence of the numbering. 5 cubits, 1 palm, 1 finger.

Erection of: "Exalted-is-the-White-Crown-of-Snefru-upon-the-Southern-Gate." [6] "Exalted-is-the-Red-Crown-of-Snefru-upon-the-Northern-Gate." [6] Making the doors of the king's palace of cedar wood. Eighth occurrence of the numbering. 2 cubits, 2 palms, $2\frac{3}{4}$ fingers.

[1] J. H. Breasted, *Ancient Records of Egypt*, Chicago, 1906, vol. i, pp. 65–66. University of Chicago Press.

[2] The numeral perhaps refers to the number of oars in each barge.

[3] The Sudan.

[4] An expedition by sea to Lebanon.

[5] These figures have been supposed to refer to the height of the annual inundation, but the matter is very uncertain.

[6] Names of gates or parts of the palace of Snefru.

2. Building of the Great Pyramid [1]

Herodotus visited Egypt about the middle of the fifth century B.C., making himself known there as a learned Greek and receiving much attention from the priests and officials. His account of the country, though curiously jumbled in chronology and often quite inaccurate as a political narrative, contains valuable descriptions of Egyptian geography, antiquities, customs, and religion. These things came under his own eyes. The Great Pyramid, which Herodotus saw in its still unravaged form, was erected probably about 2900 B.C. The builder, Khufu, whom the Greeks called Cheops, was the successor of Snefru and the first Pharaoh of the Fourth Dynasty.

Till the death of Rhampsinitus, the priests said, Egypt was excellently governed, and flourished greatly; but after him Cheops succeeded to the throne, and plunged into all manner of wickedness. He closed the temples, and forbade the Egyptians to offer sacrifice, compelling them instead to labour, one and all, in his service. Some were required to drag blocks of stone down to the Nile from the quarries in the Arabian range of hills; others received the blocks after they had been conveyed in boats across the river, and drew them to the range of hills called the Libyan. A hundred thousand men laboured constantly, and were relieved every three months by a fresh lot. It took ten years' oppression of the people to make the causeway for the conveyance of the stones, a work not much inferior, in my judgment, to the pyramid itself. This causeway is five furlongs in length, ten fathoms wide, and in height, at the highest part, eight fathoms. It is built of polished stone, and is covered with carvings of animals. To make it took ten years, as I said — or rather to make the causeway,[2] the works on the mound where the pyramid stands, and the underground chambers, which Cheops intended as vaults for his own use; these last were built on a sort of island, surrounded by water introduced from the Nile by a canal. The pyramid itself was twenty years in building. It is a square, eight hundred feet each way, and the height the same, built entirely of polished stone, fitted together with

[1] Herodotus, ii, 124–125. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. ii, pp. 197–203. John Murray.

[2] The remains of two causeways still exist.

the utmost care. The stones of which it is composed are none of them less than thirty feet in length.

The pyramid was built in steps, battlement-wise, as it is called, or, according to others, altar-wise. After laying the stones for the base, they raised the remaining stones to their places by means of machines formed of short wooden planks. The first machine raised them from the ground to the top of the first step. On this there was another machine, which received the stone upon its arrival, and conveyed it to the second step, whence a third machine advanced it still higher. Either they had as many machines as there were steps in the pyramid, or possibly they had but a single machine, which, being easily moved, was transferred from tier to tier as the stone rose — both accounts are given, and therefore I mention both.[1] The upper portion of the pyramid was finished first, then the middle, and finally the part which was lowest and nearest the ground. There is an inscription in Egyptian characters on the pyramid which records the quantity of radishes, onions, and garlick consumed by the labourers who constructed it; and I perfectly well remember that the interpreter who read the writing to me said that the money expended in this way was 1600 talents[2] of silver. If this then is a true record, what a vast sum must have been spent on the iron[3] tools used in the work, and on the feeding and clothing of the labourers, considering the length of time the work lasted, which has already been stated, and the additional time — no small space, I imagine — which must have been occupied by the quarrying of the stones, their conveyance, and the formation of the underground apartments.

[1] This account of the small wooden cranes which lifted the stones from step to step is credible, and the Egyptians actually used a machine of wood for such a purpose. However, if we may believe Diodorus, the stones were dragged by ropes up inclined ramps of earth.

[2] The intrinsic value of the coins making up the Attic talent was about one thousand dollars.

[3] Whether or not iron was even occasionally used at this time as a material for tools is a matter of dispute. The ordinary tools for stone working were of copper.

3. Unis in Heaven [1]

The limestone pyramids of Sakkara, along the desert margin south of Gizeh, were discovered by Auguste Mariette in 1880–1881. The walls of the corridors, galleries, and chambers in five of the pyramids contain hieroglyphic inscriptions, the earliest being those of Unis, the last king of the Fifth Dynasty. The other inscriptions are those of the chief rulers of the Sixth Dynasty. The Pyramid Texts thus cover a period of about one hundred and fifty years (*c.* 2625–*c.* 2475 B.C.). They form the oldest body of literature surviving from Oriental antiquity; their value for the study of the Egyptian language and civilization at a remote date is therefore very great. The passage quoted below, from the inscriptions of Unis, describes the power of the Pharaoh in heaven and his felicity there. It seems to have been believed that these writings secured for the king a glorious resurrection and a blissful immortality; they made him such a ruler in the other world as he had been on earth.

The King has not died the death: he has become one who rises like the morning sun from the horizon. He rests from life like the setting sun in the West, but he dawns anew in the East. O King, you have not departed dead: you have departed living! Have you said that he would die? — nay, he dies not: this king lives for ever. He has escaped his day of death. O lofty one among the imperishable stars! — you shall not ever perish. Loose the embalming bandages! — they are not bandages at all: they are the tresses of the goddess Nephthys [2] as she leans down over you. Men fall, and their name ceases to be: therefore God takes hold of this king by his arm, and leads him to the sky, that he may not die upon earth amongst men. This king flies away from you, you mortals. He is not of the earth, he is of the sky. He flies as a cloud to the sky, he who was like a bird at the masthead. He goes up to heaven like the hawks, and his feathers are like those of the wild geese; he rushes at heaven like a crane, he kisses heaven like the falcon, he leaps to heaven like the locust. He ascends to the sky! He ascends to the sky on the wind, on the wind! The stairs of the sky are let down for

[1] Arthur Weigall, *A History of the Pharaohs*, London, 1925–1927, vol. i, p. 215. Thornton Butterworth, Ltd.

[2] The children of Geb, the earth god, and Nut, the goddess of the sky, were the brothers, Osiris and Set, and the sisters, Isis and Nephthys.

him that he may ascend thereon to heaven. O gods, put your arms under the king: raise him, lift him to the sky. To the sky! To the sky! To the great throne amongst the gods!

4. Greatness of the Pharaoh [1]

The following is one of the six strophes of a hymn to Sesostris, or Usertesen, III (*c.* 1887–*c.* 1849 B.C.), written during that ruler's lifetime. It is the earliest known example of poetry exhibiting rigid strophic structure and conscious literary art.

Twice great is the king of his city, above a million arms: as for other rulers of men, they are but common folk.

Twice great is the king of his city: he is as it were a dyke, damming the stream in its water flood.

Twice great is the king of his city: he is as it were a cool lodge, letting every man repose unto full daylight.

Twice great is the king of his city: he is as it were a bulwark, with walls built of sharp stones of Kesem.

Twice great is the king of his city: he is as it were a place of refuge, excluding the marauder.

Twice great is the king of his city: he is as it were an asylum, shielding the terrified from his foe.

Twice great is the king of his city: he is as it were a shade, the cool vegetation of the flood in the season of harvest.

Twice great is the king of his city: he is as it were a corner warm and dry in time of winter.

Twice great is the king of his city: he is as it were a rock barring the blast in time of tempest.

Twice great is the king of his city: he is as it were Sekhmet [2] to foes who tread upon his boundary.

[1] J. H. Breasted, *A History of Egypt* (Second Edition), New York, 1909, p. 207. Charles Scribner's Sons.

[2] The lioness-headed goddess of war and strife. Her name means "the powerful one."

5. Treaty between Ramses II and the Hittites [1]

The oldest international document now extant is the treaty of peace made in 1272 B.C. between Ramses II and the king of the Hittites (Kheta). It was inscribed on a silver tablet which the Hittite ruler sent to the Pharaoh. Two copies of the treaty were engraved by Ramses on the walls of his temples at Thebes. A preliminary draft of the Hittite copy, in cuneiform on a clay tablet, has also been found at Boghaz-koï in Asia Minor.

The treaty which the great chief of Kheta, Khetasar, the valiant, the son of Merasar, the great chief of Kheta, the valiant, the grandson of Seplel, the great chief of Kheta, the valiant, made, upon a silver tablet for Usermare-Setepnere,[2] the great ruler of Egypt, the valiant, the son of Menmare,[3] the great ruler of Egypt, the valiant, the grandson of Menpehtire,[4] the great ruler of Egypt, the valiant; the good treaty of peace and of brotherhood, settling peace between them forever. . . .

Behold then, Khetasar, the great chief of Kheta, is in treaty relation with Usermare-Setepnere, the great ruler of Egypt, beginning with this day, in order to bring about good peace and good brotherhood between us forever, while he is in brotherhood with me, he is in peace with me; and I am in brotherhood with him, and I am in peace with him, forever. Since Metella, the great chief of Kheta, my brother, succumbed to his fate, and Khetasar sat as great chief of Kheta upon the throne of his father, behold, I am together with Ramses-Meriamon, the great ruler of Egypt, and he is with me in our peace and our brotherhood. It is better than the former peace and brotherhood which were in the land. Behold, I, even the great chief of Kheta, am with the great ruler of Egypt, in good peace and in good brotherhood. The children of the children of the great chief of Kheta shall be in brotherhood and peace with the children of the children of Ramses-Meriamon, the great ruler of Egypt, being in our relations of brotherhood and our relations of peace, that the land of

[1] J. H. Breasted, *Ancient Records of Egypt*, Chicago, 1906, vol. iii, pp. 166–172. University of Chicago Press

[2] Ramses II. [3] Seti I.

[4] Ramses I.

Egypt may be with the land of Kheta in peace and brotherhood like ourselves, forever.

There shall be no hostilities between them, forever. The great chief of Kheta shall not pass over into the land of Egypt, forever, to take anything therefrom. Ramses-Meriamon, the great ruler of Egypt, shall not pass over into the land of Kheta, to take anything therefrom, forever. . . .

If another enemy come against the lands of Usermare-Setepnere, the great ruler of Egypt, and he shall send to the great chief of Kheta, saying: "Come with me as reinforcement against him," the great chief of Kheta shall come, and the great chief of Kheta shall slay his enemy. But if it be not the desire of the great chief of Kheta to come, he shall send his infantry and his chariotry, and shall slay his enemy.

Or if Ramses-Meriamon, the great ruler of Egypt, be provoked against delinquent subjects, when they have committed some other fault against him, and he come to slay them, then the great chief of Kheta shall act with the lord of Egypt.

If another enemy come against the great chief of Kheta, and he shall send to the great chief of Egypt, Usermare-Setepnere, for reinforcement then he shall come to him as reinforcement, to slay his enemy. But if it be not the desire of Ramses-Meriamon, the great ruler of Egypt, to come, he shall send his infantry and his chariotry and shall slay his enemy.[1] . . .

As for the words of this contract of the great chief of Kheta, with Ramses-Meriamon, the great ruler of Egypt, written upon this silver tablet; as for these words, a thousand gods of the male gods and of the female gods, of those of the land of Kheta, together with a thousand gods of the male gods and of the female gods, of those of the land of Egypt, they are with me as witnesses to these words. . . .

Now, these words, which are upon this silver tablet, are for the land of Kheta and for the land of Egypt. As for him who shall not keep them, the thousand gods of the land of Kheta, and

[1] Here follow clauses providing for the extradition of fugitives from Egypt to the land of the Hittites and similar clauses relating to Hittite subjects who have fled to Egypt.

the thousand gods of the land of Egypt shall desolate his house, his land, and his subjects.

Now as for him who shall keep these words, which are upon this silver tablet, whether they be of Kheta, or whether they be people of Egypt, and they shall not devise aught against them; the thousand gods of the land of Kheta, together with the thousand gods of the land of Egypt, shall preserve his health, and his life, together with his issue, with his land, and his subjects.

6. Ramses II, the Divine [1]

The walls of the wonderful rock temple which Ramses II (1292–1225 B.C.) had excavated in the cliffs at Abu Simbel on the Nile are decorated with representations of the king's wars and conquests. There is also a long inscription in which Ptah, the chief deity of Memphis, addresses the Pharaoh as his son and, indeed, as his second self. It is a most explicit statement of the Egyptian theory of divine right. Ramses II in his reply (not quoted here) relates what has been done during his reign for the welfare of the god.

Utterance of Ptah-Tatenen, of lofty plumes and ready horns, begetter of the gods, to his son, his beloved, firstborn of his body, the divine god, sovereign of the gods, great in royal jubilees like Tatenen, King Ramses II, given life:

"I am thy father, who begat thee as the gods, all thy limbs are of the gods. I assumed my form as the Ram, lord of Mendes, and begat thee in thy august mother, since I knew that thou wouldst be my champion, that thou wouldst indeed do profitable things for my *ka*.[2] I fashioned thee to rise like Re,[3] exalted thee before the gods, King Ramses II, given life. . . .

"When I see thee my heart rejoices, and I receive thee in an embrace of gold, I enfold thee with permanence, stability and satisfaction; I endow thee with health and joy of heart; I immerse thee in rejoicing, joy, gladness of heart, and delights, — forever.

[1] J. H. Breasted, *Ancient Records of Egypt*, Chicago, 1906, vol. iii, pp. 176–180. University of Chicago Press.

[2] The *ka*, in Egyptian speculation, was the vital force which animated the body and, after death, accompanied it into the other world.

[3] Or Ra.

"I make thy heart divine like me, I choose thee, I weigh thee, I prepare thee, that thy heart may discern, that thy utterance may be profitable. There is nothing whatever which thou dost not know, for I have completed thee this day and before, that thou mayest make all men live by thy instruction, O King Ramses II, given life.

"I have set thee as everlasting king, ruler established forever. I have wrought thy limbs of electrum, thy bones of copper, thy organs of iron. I have given to thee the divine office, that thou mayest rule the Two Lands like the King of Upper and Lower Egypt.

"I give thee a great Nile, I endow for thee the Two Lands with wealth, produce, food, and luxuries, giving plenty in every place where thou treadest. I give to thee constant harvests, to feed the Two Lands at all times; the sheaves thereof are like the sand of the shore, their granaries approach heaven, and their grain-heaps are like mountains. There is joy and laudation at seeing thee, for plenty of fish and fowl are under thy feet. The South and North are satisfied with thy *ka*. Heaven is given to thee and that which is in it; earth is led to thee and that which is in it; the pool comes to thee bearing its fowl. Harsekha [1] bears her provisions, the best of the *ka* of Re; Thoth has set them on every side, that thou mayest open thy mouth, to enrich whom thou pleasest, according as thou art the living Khnum, and thy dominion is in victory and might like that of Re when he ruled the Two Lands, O King Ramses II, given life.

"I cause the mountains to shape for thee great, mighty, perfected monuments; I cause the countries to fashion for thee all splendid, costly stone, for employment in monuments in thy name. I make profitable for thee all works; I cause all labor to serve thee, everything that goes on two legs, or upon four legs, everything that flies, and all that soars. I put it into the heart of every land to offer and to labor for thee themselves; chiefs, great and small, with one accord do profitable things for thy *ka*, King Ramses II, given life. . . .

"I have set for thee the might, victory, and strength of thy

[1] A goddess of unknown functions.

sword in every land, I have bound for thee the hearts of all lands, I have set them beneath thy feet. When thou appearest every day, the captives of the Nine Bows are brought to thee, the great chiefs of every land present to thee their children, I assign them to thy mighty sword to do what thou pleasest with them, O King Ramses II, given life. I have put thy terror into every heart, thy love in every body; I have set thy might in every country, thy fear encircles the mountains, and the chiefs tremble at the mention of thee. Thy majesty flourishes, steadfast as their head; they come to thee, crying out together, to crave peace from thee. Thou lettest live whom thou wilt, and thou slayest whom thou wilt. Lo, the throne of every land is under thy authority."

7. A Good Despot [1]

Ramses III, the second king of the Twentieth Dynasty (1200–1090 B.C.), thus describes his beneficent activities in the land of Egypt.

I planted the whole land with trees and verdure, and I made the people dwell in their shade. I made the woman of Egypt to go to the place she desired, for no stranger nor any one upon the road molested her. I made the infantry and chariotry to dwell at home in my time; the Sherden and Kehek [2] were in their towns, lying the length of their backs; they had no fear, for there was no enemy from Kush,[3] nor foe from Syria. Their bows and their weapons reposed in their magazines, while they were satisfied and drunk with joy. Their wives were with them, their children at their side; they looked not behind them, but their hearts were confident, for I was with them as the defense and protection of their limbs. I sustained alive the whole land, whether foreigners, common folk, citizens, or people, male or female. I took a man out of his misfortune and I gave to him breath; I rescued him from the oppressor, who was of more account than he. I set each man in his security, in their towns;

[1] J. H. Breasted, *Ancient Records of Egypt*, Chicago, 1906, vol. iv, pp. 204–205. University of Chicago Press.

[2] Mercenaries.

[3] Ethiopia.

I sustained alive others in the hall of petition. I equipped the land in the place where it was laid waste. The land was well satisfied in my reign.

8. Laboring Classes [1]

A papyrus manuscript, the so-called poem in *Praise of Learning*, which was copied in the Nineteenth Dynasty from an original at least as early as the Twelfth Dynasty (*c.* 2000–1788 B.C.), gives an account of the various occupations and describes their hardships, as contrasted with the scribe's easy life. The manuscript is now in the British Museum.

I have never seen a blacksmith on an embassy — nor a smelter sent on a mission — but what I have seen is the metal worker at his toil, — at the mouth of the furnace of his forge, — his fingers as rugged as the crocodile, — and stinking more than fish-spawn. — The artisan of any kind who handles the chisel, — does not employ so much movement as he who handles the hoe; — but for him his fields are the timber, his business is the metal, — and at night when the other is free, — he, he works with his hands over and above what he has already done, — for at night he works at home by the lamp. — The stone-cutter who seeks his living by working in all kinds of durable stone, — when at last he has earned something — and his two arms are worn out, he stops; — but if at sunrise he remain sitting, — his legs are tied to his back.[2] — The barber who shaves until the evening, — when he falls to and eats, it is without sitting down — while running from street to street to seek custom; — if he is constant at work his two arms fill his belly — as the bee eats in proportion to its toil. — Shall I tell thee of the mason — how he endures misery? — Exposed to all the winds — while he builds without any garment but a belt — and while the bunch of lotus-flowers which is fixed on the completed houses — is still far out of his reach, — his two arms are worn out with work; his provisions are placed higgledy piggledy amongst his refuse, he consumes himself, for

[1] Sir Gaston Maspero, *The Dawn of Civilization* (Fourth Edition), London, 1901, pp. 311–314. Translated by M. L. McClure. Society for Promoting Christian Knowledge.

[2] An allusion to the cruel manner in which Egyptians were accustomed to bind their prisoners.

he has no other bread than his fingers — and he becomes wearied all at once. — He is much and dreadfully exhausted — for there is always a block to be dragged in this or that building, — a block of ten cubits by six, — there is always a block to be dragged in this or that month as far as the scaffolding poles to which is fixed the bunch of lotus-flowers on the completed houses. — When the work is quite finished, — if he has bread, he returns home, — and his children have been beaten unmercifully during his absence. — The weaver within doors is worse off there than a woman; squatting, his knees against his chest, — he does not breathe. — If during the day he slackens weaving, — he is bound fast as the lotuses of the lake; — and it is by giving bread to the doorkeeper, that the latter permits him to see the light. — The dyer, his fingers reeking — and their smell is that of fish-spawn; — his two eyes are oppressed with fatigue, — his hand does not stop, — and, as he spends his time in cutting out rags — he has a hatred of garments. — The shoemaker is very unfortunate; — he moans ceaselessly, — his health is the health of the spawning fish, — and he gnaws the leather. — The baker makes dough, — subjects the loaves to the fire; — while his head is inside the oven, — his son holds him by the legs; — if he slips from the hands of his son, — he falls there into the flames.

9. A Marriage Settlement [1]

This document was drawn up during the reign of Ptolemy Philadelphus (first half of the third century B.C.). It is translated from a demotic manuscript in the Louvre.

I have accepted thee for wife, I have given thee one argenteus,[2] in shekels five, one argenteus in all for thy woman's gift. I must give thee six oboli, their half is three, to-day six, by the month three, by the double month six, thirty-six for a year: equal to one argenteus and one fifth, in shekels six, one argenteus and one fifth in all for thy toilet during a year. Lastly, a tenth of an argenteus, in shekels one half, one argenteus one tenth [3] for thy

[1] *Records of the Past* (First Series), vol. x, pp. 77–78. Translated by E. Revillout.

[2] An argenteus is equal to five shekels, and a shekel to six obols.

[3] *I.e.*, one tenth of an argenteus.

pin money by the month, which makes one argenteus and one fifth, in shekels six, one argenteus and one fifth for thy pin money for the year. Thy pin money for one year is apart from thy toilet money. I must give it to thee each year, and it is thy right to exact the payment of thy toilet money and thy pin money, which are to be placed to my account. I must give it to thee. Thy eldest son, my eldest son, shall be the heir of all my property, present and future.[1] I will establish thee as wife.[2]

In case I should despise thee, in case I should take another wife than thee, I will give thee twenty argenteus, in shekels one hundred, twenty argenteus in all. The entire of the property which is mine, and which I shall possess, is security of all the above words, until I have accomplished them according to their tenor.

10. Will of Uah[3]

The papyrus manuscript translated below was unearthed at Kahun in 1889 by Professor Flinders Petrie. It dates from the reign of Amenemhet IV (1801–1792 B.C.). The document is evidently a will or testamentary settlement, the oldest example of the sort so far known. It is now in the archæological collection of the University of London. In his will Uah disposes of his landed property and Asiatic slaves, provides a home for his wife and a guardian for his son, and stipulates where he and his wife shall be buried. Appended to the document is a list of three witnesses.

Year 2, month Paophi, day 18. Title to property made by the *uab* in charge of the corps of Sepdu lord of the East, Uah: I am making a title to property to my wife, the woman of Gesab, Sat Sepdu's daughter Sheftu, who is called Teta, of all things given to me by my brother, the devoted servant of the superintendent of works, Ankhren, as to each article in its place of everything that he gave me. She shall give it to any she desires of her children that she bears[4] me. I am giving to her the eastern

[1] This provision for inheritance was an essential part of every marriage contract.

[2] By this clause the wife received proprietary rights and became mistress of the household.

[3] F. Ll. Griffith, *Hieratic Papyri from Kahun and Gurob*, London, 1898, p. 32.

[4] Or "has borne."

slaves, four persons, that my brother, the devoted servant of the superintendent of works, Ankhren, gave to me. She shall give them to whomsoever she will of her children. As to my tomb, let me be buried in it with my wife, without allowing any one to move earth to it. Moreover, as to the apartments that my brother, the confidential servant of the superintendent of works, Ankhren, built for me, my wife shall dwell therein, without allowing her to be put forth thence on the ground by any person. It is the deputy Gebu who shall act as guardian of my son.[1]

11. Proverbial Sayings[2]

These sayings are culled from texts coming down to the Eighteenth Dynasty only.

A man's virtue is his memorial: the evilly-reputed one suffers oblivion.

The poor man's name is mentioned only because of his master.

Doing right is the breath of the nostrils.[3]

The hungry man must hunger.

Half life is better than dying altogether.

Help him who helps you.

Help him who is acting, to cause him to act.

A valiant man has renown from what he has done, not becoming obscured in this land for ever.

There's no one who knows his lot when he plans the morrow.

There is no chance of tarrying in Egypt.[4]

One knows not what may be in the heart.[5]

It is what God commands that happens.

[1] This concluding line is written in another hand.

[2] Battiscombe Gunn, "Some Middle-Egyptian Proverbs," *Journal of Egyptian Archæology*, vol. xii (1926), pp. 282–284.

[3] *I.e.*, righteousness is essential to the life of the community.

[4] Meaning, we must all die sometime.

[5] In someone else's heart.

12. The Wisdom of Ptahhotep[1]

One of the most complete expositions of Egyptian morality is found in the Precepts of Ptahhotep, who belonged to the family of the Pharaoh Dedkere, the eighth ruler of the Fifth Dynasty (*c.* 2750–2625 B.C.). Prince Ptahhotep seems to have acted as the royal tutor and to have brought together in the collection traditionally associated with his name the moral maxims handed down from earlier ages. The Precepts are preserved in five manuscripts, the most important being the Prisse Papyrus in the Bibliothèque Nationale, Paris. The text of this papyrus, which must be at least as old as 2000 B.C., is too obscure and corrupt for adequate translation. It is divided into forty-three paragraphs.

Do not try to scare people, for it effects nothing. What God has decreed happens.

If you are in the position of one to whom petitions are made, be courteous, and listen to the petitioner's story. Do not stop his words until he has poured out all that is in his heart, and has said all that he came to say. A man with a grievance loves the official who will accept what he states, and will let him talk out his trouble fully. . . . A kind word will paint[2] his heart; but if an official stops the flow of his words, people will say "Why should this fellow there have the power to behave in this way?"

If you wish to maintain a lasting friendship in the house to which you are in the habit of going . . . try to avoid talking to the ladies. . . . There are thousands of men who have gone after these beautiful creatures and have been ruined by them, being deluded by their soft bodies; but they have turned into things that are harder than rock. The pleasure is only for a little moment, and it passes like a dream, at the end of which a man may discover what death is — by experiencing it.

If you are in the vestibule of a nobleman's audience-room, whether you have a seat or are left standing, submit to it at first, and do not push yourself forward, in case you be turned out. Keep your eye, however, on the private secretary, who may announce you; for a man who is invited to come in finds a comfortable seat, and a nobleman's vestibule after all is governed

[1] Arthur Weigall, *A History of the Pharaohs*, London, 1925–1927, vol. i, pp. 212–213. Thornton Butterworth, Ltd.

[2] *I.e.*, illuminate.

by precedence, and all its procedure is according to rule. It is God alone who raises the status of a person who climbs into favour: it is not effected by a man's shoulder.[1]

Do not go into a beer-tavern, for unpleasant are the words reported at second-hand as having come from your mouth, when you do not know that they have been said by you. And if you fall down you will break your bones, and nobody will give you a hand. Even your companions in drink will stand up and say "Away with the drunkard!"

I commend to you your mother who bore you. She it was who sent you to school so that you might be taught your books; and she concerned herself daily about you, giving you food and drink from the house. Now that you are grown up, and are yourself married, and master in your house, I beg you turn your eyes to her who gave you birth, and who provided all things for you — for so your mother did. Do not give her cause to rebuke you, nor let her lift up her two hands to God in sorrow because of you, for He will surely hear her complaint.

When Death comes, it seizes the baby which is at its mother's breast as well as him who has become an old man. When that messenger comes to you to carry you away, let him find you ready.

13. The Wisdom of Amenemapt[2]

A British Museum papyrus contains in twenty-seven columns of hieratic text a copy of a work entitled *Teaching Concerning Life*, composed by a certain Amenemapt, who may have lived and flourished under one of the kings of the Eighteenth Dynasty (1580–1350 B.C.). We know from his book that his father was a magistrate and his mother a priestess, and that he enjoyed a good literary education in the temple schools. He was not, however, a scribe, but an official in charge of the great grain-producing lands about Abydos. Many of his precepts seem to have been intended for officials like himself, but many more, especially those inculcating respect for the aged, pity for the poor and the needy, mercy in judgment, and other virtues, were addressed to every sort and condition of men. No nobler presentation of Egyptian ethics has come down to us.

[1] *I.e.*, by pushing.

[2] Sir E. A. Wallis Budge, *The Teaching of Amen-Em-Apt, Son of Kanekht*, London, 1924, pp. 145–177 *passim*. Martin Hopkinson and Company, Ltd.

Guard thyself against plundering the poor man and from treating with harshness the destitute.

Commit not an act of avariciousness so that thou mayest find additional wealth.

Commit no robbery [1] by means of the cubit of the fields when thou art assessing the bounds of the estate of the widow.

Take good heed concerning the treading down of the boundaries of the fields, lest horrible calamity be brought upon thee.

Be kind to thyself, make thy body strong and happy, but take good heed to thyself in respect of Nebertcher.[2]

Better is one *apt* of land which the God has given thee than five thousand *apts* which thou hast gotten by fraud.

Better is the beggar who is in the hand of the God than the rich who are safely housed in a comfortable dwelling.

Better are bread-cakes of flour and water with a loving heart than rich meats that carry with them bickering and quarrelling.

Make not thyself to take pleasure in rich treasures that have been obtained by robbery, whilst sighing [3] for the man who has been plundered.

Accustom thyself to direct thy sincere prayer to the Aten [4] when he is rolling up into the sky, saying, "Grant to me, I beseech thee, strength and health." He will give to thee the things that are necessary for the life. Thou shalt be safe from anxious care.

Keep thy tongue from speech of lying.

Show thou kindness to people of humble condition.

I beseech thee to spread with thy tongue only the report of that which is good upon the earth, whilst as far as reports of evil are concerned, hide them in thy belly.

Hold not converse in the company of men of iniquity, for that is an abominable thing to do before the God.

Better are the cakes of flour and water eaten with a loving mind than strong meats eaten with strife and enmity.

[1] *I.e.*, filch not away land.
[2] "Lord to the uttermost limit" — the All-Lord.
[3] *I.e.*, pretending to grieve.
[4] God of the solar disk.

Do the thing that is right and thou wilt attain to a true state of being.

Accept not a present [1] from a man of power and authority if thou art to treat wrongfully for him the poor man in distress.

Make no attempt to find for thyself the Divine Souls [2] of God; do not the god Shai and the goddess Renenit exist? [3]

The love of God is more precious and estimable than the reverence of the nobleman.

14. Mortuary Autobiographies [4]

The first of these two inscriptions is carved on the doorposts of the rock tomb of Ameni at Benihasan in Upper Egypt. Ameni, who composed the record, was a monarch of the Oryx nome during the reign of Sesostris I (1980–1935 B.C.). The second inscription is found on the statue of Beknekhonsu, who was High Priest of Amon under Ramses II (1292–1225 B.C.).

I

I was amiable, and greatly loved, a ruler beloved of his city. Now, I passed years as ruler in the Oryx nome. All the imposts of the king's house passed through my hand. The gang-overseers of the crown possessions of the shepherds of the Oryx nome gave to me 3,000 bulls in their yokes. I was praised on account of it in the palace each year of the loan-herds. I carried all their dues to the king's house; there were no arrears against me in any office of his.[5] . . .

There was no citizen's daughter whom I misused, there was no widow whom I oppressed, there was no peasant whom I repulsed, there was no shepherd whom I repelled, there was no overseer of serf-laborers whose people I took for unpaid imposts, there was none wretched in my community, there was none hungry in my

[1] *I.e.*, as a bribe.

[2] *I.e.*, the Will.

[3] Shai, the god of luck, and Renenit, the goddess of destiny.

[4] J. H. Breasted, *Ancient Records of Egypt*, Chicago, 1906, vol. i, pp. 252–253, and vol. iii, pp. 235–236. University of Chicago Press.

[5] This means that Ameni, having received a herd of royal cattle to be maintained by him on shares, kept up his payments with regularity.

time. When years of famine came I plowed all the fields of the Oryx nome, as far as its southern and northern boundary, preserving its people alive and furnishing its food so that there was none hungry therein. I gave to the widow as to her who had a husband; I did not exalt the great above the small in all that I gave. Then came great Niles,[1] possessors of grain and all things, but I did not collect the arrears of the field.[2]

II

I was a truthful witness, profitable to his lord, extolling the instruction of his god, proceeding upon his way, performing the excellent ceremonies in the midst of his temple. I was chief overseer of works in the house of Amon, satisfying the excellent heart of his lord. O all ye people, take account in your hearts; ye who are on earth, who shall come after me, in millions of millions of years, after old age and infirmity, whose hearts are versed in discerning worth; I will inform you of my character while I was upon earth, in every office which I administered since my birth. . . .

I was a good father to my serf-laborers, training their classes, giving my hand to him who was in trouble, preserving alive him who was in misfortune, performing the excellent duties in his temple.[3] I was chief overseer of works before Thebes for his son, who came forth from his limbs, King Ramses II, given life, maker of monuments for his father, Amon, who placed him on his throne.

15. A Declaration of Innocence [4]

It was customary for the Egyptians, from the time of the Eighteenth Dynasty (1580–1350 B.C.) onwards, to deposit with the dead in the tomb a roll of papyrus inscribed with mortuary texts. These included

[1] Inundations.

[2] Ameni did not collect the balance due after the short payments of taxes in the unfruitful years.

[3] *I.e.*, the temple of Amon at Thebes.

[4] Sir Peter Le Page Renouf and Edouard Naville, *The Book of the Dead*, Paris, 1907, pp. 222–223. Ernest Leroux.

hymns to the gods Re and Osiris, prayers, and magical phrases for recitation by the deceased on his journey in the other world. A collection of the rolls, running to some two hundred chapters, was made during the Ptolemaic period. This work, the Egyptian title of which is *Per-Em-Hru*, or "Day of Putting Forth," is commonly known as the *Book of the Dead*. No copy containing all the chapters has been found; their order is therefore based on a comparison of many texts. Chapter CXXV has an account of the judgment after death. The deceased is conducted into the Hall of the Two Truths, where Osiris and forty-two associate gods sit as judges. Before them he makes the following declaration or protestation of innocence, which forms the first of the three parts into which chapter CXXV is divided. To determine whether what he has said is true or not, his heart, witness of all his words and deeds, is weighed in a balance against an ostrich-feather, the symbol of truth, while the god Thoth, acting as clerk of the court, records with tablet and stylus the issue of the case.

Hail to thee, mighty god, Lord of Righteousness!

I am come to thee, O my Lord: I have brought myself that I may look upon thy glory. I know thee, and I know the name of the Forty-two gods who make their appearance with thee in the Hall of Righteousness;[1] devouring those who harbour mischief, and swallowing their blood, upon the Day of the searching examination in the presence of Unneferu.

Verily, "Thou of the Pair of Eyes,"[2] Lord of Righteousness is thy name.

Here am I; I am come to thee; I bring to thee Right and have put a stop to Wrong.

I am not a doer of wrong to men.

I am not one who slayeth his kindred.

I am not one who telleth lies instead of truth.

I am not conscious of treason.

I am not a doer of mischief.

I do not exact as the firstfruits of each day more work than should be done for me.

My name cometh not to the Bark of the god who is at the Helm.

[1] These forty-two assessors are not to be connected with the forty-two nomes, or administrative divisions, of Egypt.

[2] A title of Osiris.

I am not a transgressor against the god.
I am not a tale-bearer.
I am not a detractor.
I am not a doer of that which the gods abhor.
I hurt no servant with his master.
I cause no famine.
I cause not weeping.
I am not a murderer.
I give not orders for murder.
I cause not suffering to men.
I reduce not the offerings in the temples.
I lessen not the cakes of the gods.
I rob not the dead of their funereal food.
I am not an adulterer.
I am undefiled in the Sanctuary of the god of my domain.
I neither increase nor diminish the measures of grain.
I am not one who shorteneth the palm's length.
I am not one who cutteth short the field's measure.
I put not pressure upon the beam of the balance.
I tamper not with the tongue of the balance.
I snatch not the milk from the mouth of infants.
I drive not the cattle from their pastures.
I net not the birds of the manors of the gods.[1]
I catch not the fish of their ponds.
I stop not the water at its appointed time.[2]
I divide not an arm of the water in its course.
I extinguish not the lamp during its appointed time.
I do not defraud the Divine Circle of their sacrificial joints.
I drive not away the cattle of the sacred estate.
I stop not a god when he cometh forth.
I am pure, I am pure, I am pure, I am pure.[3]

[1] These manors were probably property acquired by royal grant.

[2] This refers to damming the water in the irrigation canals at the time of the annual inundation of the Nile.

[3] That this Declaration is of much earlier date than the Eighteenth Dynasty seems to be quite certain from the nature of the corruptions which have already crept into the earliest copies we have of chapter CXXV.

16. Funeral Song [1]

The most important collection of Egyptian songs is contained in a papyrus in the British Museum, commonly known as the Harris Papyrus. It was probably written during the thirteenth century B.C., but many of the pieces in it belong to a far earlier date. Among them is the following funeral song, of which there is also another version on the walls of a Theban tomb.

How prosperous is this good prince! [2]
It is a goodly destiny, that the bodies diminish,
Passing away while others remain,
Since the time of the ancestors,
The gods who were aforetime,
Who rest in their pyramids,
Nobles and the glorious departed likewise,
Entombed in their pyramids.
Those who built their tomb-temples,
Their place is no more.
Behold what is done therein.
I have heard the words of Imhotep [3] and Hardedef,[4]

Words greatly celebrated as their utterances.
Behold the places thereof;
Their walls are dismantled,
Their places are no more,
As if they had never been.

None cometh from thence
That he may tell us how they fare;
That he may tell us of their fortunes,
That he may content our heart,
Until we too depart
To the place whither they have gone.

[1] J. H. Breasted, *Development of Religion and Thought in Ancient Egypt*, New York, 1912, pp. 182–183. Charles Scribner's Sons.

[2] Intef, one of the Pharaohs of the Eleventh Dynasty (*c.* 2160–2000 B.C.), in whose tomb the song was written.

[3] Grand vizier, chief architect, and famous wise man under the Pharaoh Zoser of the Third Dynasty.

[4] Son of Khufu, the builder of the Great Pyramid.

Encourage thy heart to forget it,
Making it pleasant for thee to follow thy desire,
While thou livest.
Put myrrh upon thy head,
And garments on thee of fine linen,
Imbued with marvellous luxuries,
The genuine things of the gods.

Increase yet more thy delights,
And let not thy heart languish.
Follow thy desire and thy good,
Fashion thine affairs on earth
After the mandates of thine own heart.
Till that day of lamentation cometh to thee,
When the silent-hearted hears not their lamentation,
Nor he that is in the tomb attends the mourning.

Celebrate the glad day
Be not weary therein.
Lo, no man taketh his goods with him.
Yea, none returneth again that is gone thither.

17. The Land of Amenti [1]

A melancholy conception of the life after death appears in some isolated Egyptian texts, such as the following, which is found on a memorial tablet dating from the time of the Ptolemies. Amenti, as here described, has obvious affinities to the Babylonian Aralu, the Hebrew Sheol, and the Greek Hades.

O my brother, my husband,[2] cease not to drink and to eat, to be drunken, to enjoy the love of women, to make holiday. Follow thy desire by night and by day; grant care no place in thine heart. For as for Amenti [3] it is a land of sleep and of darkness, a dwelling wherein those who are there remain. They sleep in their mummy forms, they nevermore awake to see their fellows, they

[1] Alfred Wiedemann, *The Religion of the Ancient Egyptians*, London, 1897, pp. 96–97. Translated by J. Hutchison.

[2] The speaker, a lady of the highest sacerdotal descent, was married to the chief priest of Ptah. On her death she addresses her husband in the words quoted.

[3] "The West." To "go West" was originally an Egyptian euphemism for death.

behold neither their fathers nor their mothers, their heart is careless of their wives and children. On earth each tasteth of the water of life, but I suffer thirst. Water cometh to him who is upon earth, but I thirst after the water that is by me. Since I came unto this valley I know not where I am. I long for the water that floweth by me. I desire the breeze on the bank of the river, that it may refresh my heart in its distress. For the name of the god who ruleth here is "Utter Death." At his call, trembling with fear, all men come unto him. He maketh no distinction between gods and men; before him the great are as the small. He showeth no favour to him who loveth him; he snatcheth the child from its mother, and the old man also. None cometh to worship him, for he is not gracious unto them who adore him; he regardeth not him who presenteth him with offerings.

18. Lucky and Unlucky Days [1]

We possess several Egyptian calendars of lucky and unlucky days. The best-known and most complete is the Papyrus Sallier IV in the British Museum. It was written during the Nineteenth Dynasty (1350–1205 B.C.), but incorporates materials of much earlier date. Parts of the manuscript at the beginning and end have been lost, so that it now contains prognostics for only two hundred and thirty-five days of the year. This interesting production of ancient though misdirected learning divides the hours between sunrise and sunset into three periods, each of which is ruled by its particular influence. Some days were good throughout the three periods, some were wholly bad, and some were of a mixed character. In the calendar as a whole the most frequent injunctions relate to quitting the house, traveling, sailing, and undertaking any kind of work on unlucky days. The following are typical regulations, arranged according to the order of the Egyptian months.

4th Paophi: Inauspicious, auspicious, auspicious. In no wise go forth from thine house on this day. He who is born on this day will die by the plague.

5th Paophi: Inauspicious, inauspicious, inauspicious. In no wise go out of thine house on this day. . . . On this day men shall make offerings to the gods. The majesty of the god Ment was

[1] Alfred Wiedemann, *The Religion of the Ancient Egyptians*, London, 1897, pp. 263–264. Translated by J. Hutchison.

content on this day. He who is born on this day shall die by love-making.

6th Paophi: Auspicious, auspicious, auspicious. Day of rejoicing for Ra in heaven. The gods are in peace before the god Ra; the Ennead of the gods completes the ceremonies before Ra. He who is born on this day will die drunken.

9th Paophi: Auspicious, auspicious, auspicious. The gods rejoice, men are in exultation, the enemy of Ra is overthrown. He who is born on this day dies of the feebleness of old age.

22nd Paophi: Inauspicious, inauspicious, inauspicious. Bathe in no water on this day. He who goes in a boat on the river on this day will be torn in pieces by the tongue of the crocodile.

29th Paophi: Auspicious, auspicious, auspicious. He who is born on this day will die honoured of his fellow-citizens.

17th Athyr: Inauspicious, inauspicious, inauspicious. Arrival of the superior and inferior Great Ones in Abydos, of Those who shed many tears. Great lamentations of Isis and Nephthys for their brother Unnefer[1] in Sais, a lament which may be heard even to Abydos.

10th Khoiak: Auspicious, auspicious, auspicious. He who is born on this day dies bread in hand, beer in mouth, his eyes looking upon food.

13th Mekhir: Inauspicious, inauspicious, inauspicious. In no wise go forth on this day. It is the day on which the eye of Sekhet[2] was terrible and the fields were filled with devastation. Go not forth at sunset on this day.

19. A Spell against Noxious Creatures[3]

The magical and religious texts of all periods contain many spells for use against serpents, scorpions, and other vermin that infested the Nile valley. Such creatures were regarded as incarnations of evil spirits. They attacked the dead, as well as the living, and even the gods might be injured by them. Under the Twenty-sixth Dynasty and later it

[1] Unnefer (Osiris), according to Plutarch, was murdered by his brother Set on the 17th Athyr.

[2] Or Sekhmet, a baleful goddess.

[3] Sir E. A. Wallis Budge, *Legends of the Gods*, London, 1912, pp. 143, 145. Kegan Paul, Trench, Trubner, and Company, Ltd.

became customary to protect houses against them by the use of stone amulets. These were covered with representations or symbols of Horus and other deities and inscribed with words of power. A spell from the so-called Metternich Stele reads as follows:

Get thee back, Apep,[1] thou enemy of Ra, thou winding serpent in the form of an intestine, without arms and without legs. Thy body cannot stand upright so that thou mayest have therein being, long is thy tail in front of thy den, thou enemy: retreat before Ra. Thy head shall be cut off, and the slaughter of thee shall be carried out. Thou shalt not lift up thy face, for his[2] flame is in thy accursed soul. The odour which is in his chamber of slaughter is in thy members, and thy form shall be overthrown by the slaughtering knife of the great god. The spell of the Scorpion-goddess Serq driveth back thy might. Stand still, stand still, and retreat through her spell.

Be vomited, O poison, I adjure thee to come forth on the earth. Horus uttereth a spell over thee, Horus hacketh thee in pieces, he spitteth upon thee; thou shalt not rise up towards heaven, but shall totter downwards, O feeble one, without strength, cowardly, unable to fight, blind, without eyes, and with thine head turned upside down. Lift not up thy face. Get thee back quickly, and find not the way. Lie down in despair, rejoice not, retreat speedily, and show not thy face because of the speech of Horus, who is perfect in words of power. The poison rejoiced, but the hearts of many were very sad thereat. Horus hath smitten it with his magical spells, and he who was in sorrow is now is joy. Stand still then, O thou who art in sorrow, for Horus hath been endowed with life. He cometh charged, appearing himself to overthrow the Sebiu fiends which bite. All men when they see Ra praise the son of Osiris.[3] Get thee back, Worm, and draw out thy poison which is in all the members of him that is under the knife. Verily the might of the word of power of Horus is against thee. Vomit thou, O Enemy, get thee back, O poison.

[1] Chief of reptiles.
[2] *I.e.*, Ra's.
[3] Horus.

20. Animal Worship [1]

Egyptian animal worship formed essentially a survival from primitive and prehistoric times. Many common animals — the cat, the dog, the hawk, the ibis, the jackal, the bull, the ram, the crocodile, the asp — were reverenced either as themselves deities or as representations and symbols of deities. Some of the sacred animals enjoyed merely local honors, but others were held in high regard throughout the country.

Egypt, though it borders upon Libya, is not a region abounding in wild animals. The animals that do exist in the country, whether domesticated or otherwise, are all regarded as sacred. If I were to explain why they are consecrated to the several gods, I should be led to speak of religious matters, which I particularly shrink from mentioning; the points whereon I have touched slightly hitherto have all been introduced from sheer necessity. Their custom with respect to animals is as follows: — For every kind there are appointed certain guardians, some male, some female, whose business it is to look after them; and this honour is made to descend from father to son. The inhabitants of the various cities, when they have made a vow to any god, pay it to his animals in the way which I will now explain. At the time of making the vow they shave the head of the child, cutting off all the hair, or else half, or sometimes a third part, which they then weigh in a balance against a sum of silver; and whatever sum the hair weighs is presented to the guardian of the animals, who thereupon cuts up some fish, and gives it to them for food — such being the stuff whereon they are fed. When a man has killed one of the sacred animals, if he did it with malice prepense, he is punished with death; if unwittingly, he has to pay such a fine as the priests choose to impose. When an ibis, however, or a hawk is killed, whether it was done by accident or on purpose, the man must needs die. . . .

The cats on their decease are taken to the city of Bubastis, where they are embalmed, after which they are buried in certain sacred repositories. The dogs are interred in the cities to which they belong, also in sacred burial-places. The same practice

[1] Herodotus, ii, 65–67. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. ii, pp. 109–114. John Murray.

obtains with respect to the ichneumons; the hawks and shrew-mice, on the contrary, are conveyed to the city of Buto for burial and the ibises to Hermopolis. The bears, which are scarce in Egypt, and the wolves, which are not much bigger than foxes, they bury wherever they happen to find them lying.

21. Ptah the Creator [1]

The remarkable document here quoted was originally the production of the priests attached to the great temple of Ptah at Memphis. It is assigned to the remote Pyramid Age. Our knowledge of it comes from a copy on a stele in the British Museum, which was made by the priestly scribes of the eighth century B.C. Ptah, the master craftsman of the gods, is represented by the Memphite theologians as creating the world of material things, *i.e.*, the Egyptian Nile valley, by his divine fiat.

It was he who made every work, every handicraft, which the hands make, the going of the feet, the movement of every limb, according to his command, through the thought of the heart that came forth from the tongue.

There came the saying that Atum, who created the gods, stated concerning Ptah-Tatenen: "He is the fashioner of the gods, he, from whom all things went forth, even offerings, and food and divine offerings and every good thing!" And Thoth perceived that his strength was greater than all gods. Then Ptah was satisfied, after he had made all things. . . .

He fashioned the gods, he made the cities, he settled the nomes. He installed the gods in their holy places, he made their offerings to flourish, he equipped their holy places. He made likenesses of their bodies to the satisfaction of their hearts. Then the gods entered into their bodies of every wood and every stone and every metal. Everything grew upon its trees whence they came forth. Then he assembled all the gods and their *kas* [saying to them]: "Come ye and take possession of Neb-towe, the divine store-house of Ptah-Tatenen, the great seat, which delights the heart of the gods dwelling in the House of Ptah, the mistress of life . . . whence is furnished the 'Life of the Two Lands.'"

[1] J. H. Breasted, *Development of Religion and Thought in Ancient Egypt*, New York, 1912, pp. 45–46. Charles Scribner's Sons.

22. Re the Supreme God [1]

A hymn to Re (Ra), inscribed on the walls of the tomb of Seti I (1313–1292 B.C.), indentifies the sun god with a large number of deities and divine personages.

Praise be unto thee, O Ra, thou exalted Power, who dost enter into the habitations of Ament,[2] behold thy body is Temu.

Praise be unto thee, O Ra, thou exalted Power, who dost enter into the hidden place of Anubis, behold thy body is Khepera.

Praise be unto thee, O Ra, thou exalted Power, whose duration of life is greater than that of the hidden forms, behold thy body is Shu.

Praise be unto thee, O Ra, thou exalted Power, . . . behold thy body is Tefnut.

Praise be unto thee, O Ra, thou exalted Power, who bringest forth green things in their season, behold thy body is Seb.

Praise be unto thee, O Ra, thou exalted Power, thou mighty being who dost judge, . . . behold thy body is Nut.

Praise be unto thee, O Ra, thou exalted Power, the lord . . . behold thy body is Isis.

Praise be unto thee, O Ra, thou exalted Power, whose head giveth light to that which is in front of thee, behold thy body is Nephthys.

Praise be unto thee, O Ra, thou exalted Power, thou source of the divine members, thou One, who bringest into being that which hath been begotten, behold thy body is Horus.

Praise be unto thee, O Ra, thou exalted Power, who dost dwell in and illumine the celestial deep, behold thy body is Nu.

23. Hymn to Aton [3]

This great hymn to the sun god Aton is preserved in the tomb of an Egyptian nobleman at Tell el-Amarna. It doubtless represents an excerpt from the ritual of Aton, as celebrated day by day in his temple in the royal city of Akhetaton. The author may well have been the re-

[1] Sir E. A. Wallis Budge, *Egyptian Ideas of the Future Life* (Third Edition), London, 1908, pp. 101–102. Kegan Paul, Trench, Trubner, and Company, Ltd.

[2] Amenti, the abode of the dead.

[3] J. H. Breasted, *Development of Religion and Thought in Ancient Egypt*, New York, 1912, pp. 324–328. Charles Scribner's Sons.

forming king, Amenhotep IV, who in the fourteenth century B.C. introduced monotheism into Egypt by abolishing the worship of all gods except the sun god. His old name, which meant "Amon is gracious," he changed to Ikhnaton ("Aton's man"). The king's religious revolution ended in failure, for after his death the old deities were restored to honor. The hymn is one of the most beautiful of those preserved to us in Egyptian literature. It is also remarkable for its inspiring universalism, Aton being addressed as the creator, orderer, and governor, not of Egypt only, but of the whole world.

Thy dawning is beautiful in the horizon of the sky,
O living Aton, Beginning of life!
When thou risest in the eastern horizon,
Thou fillest every land with thy beauty.
Thou art beautiful, great, glittering, high above every land,
Thy rays, they encompass the lands, even all that thou hast made.
Thou art Re,[1] and thou carriest them all away captive;
Thou bindest them by thy love.
Though thou art far away, thy rays are upon earth;
Though thou art on high, thy footprints are the day.

When thou settest in the western horizon of the sky,
The earth is in darkness like the dead;
They sleep in their chambers,
Their heads are wrapped up,
Their nostrils are stopped,
And none seeth the other,
While all their things are stolen
Which are under their heads,
And they know it not.
Every lion cometh forth from his den,
All serpents, they sting. . . .
The world is in silence,
He that made them resteth in his horizon.

Bright is the earth when thou risest in the horizon.
When thou shinest as Aton by day

[1] There is a pun here on the word Re (Ra), which is the same as the word used for "all."

Thou drivest away the darkness.
When thou sendest forth thy rays,
The two Lands [1] are in daily festivity,
Awake and standing upon their feet
When thou hast raised them up.
Their limbs bathed, they take their clothing,
Their arms uplifted in adoration to thy dawning.
Then in all the world they do their work.

All cattle rest upon their pasturage,
The trees and the plants flourish,
The birds flutter in their marshes,
Their wings uplifted in adoration to thee.
All the sheep dance upon their feet,
All winged things fly,
They live when thou hast shone upon them.

The barques sail up-stream and down-stream alike.
Every highway is open because thou dawnest.
The fish in the river leap up before thee.
Thy rays are in the midst of the great green sea. . . .

How manifold are thy works!
They are hidden from before us,
O sole God, whose powers no other possesseth.
Thou didst create the earth according to thy heart [2]
While thou wast alone:
Men, all cattle large and small,
All that are upon the earth,
That go about upon their feet;
All that are on high,
That fly with their wings.
The foreign countries, Syria and Kush, [3]
The land of Egypt; . . .

[1] Egypt.
[2] "Pleasure" or "understanding."
[3] Kush (Cush) is Ethiopia.

Thy rays nourish every garden;
When thou risest they live,
They grow by thee.
Thou makest the seasons
In order to create all thy work:
Winter to bring them coolness,
And heat that they may taste thee.
Thou didst make the distant sky to rise therein,
In order to behold all that thou hast made,
Thou alone, shining in thy form as living Aton,
Dawning, glittering, going afar and returning.
Thou makest millions of forms
Through thyself alone;
Cities, towns, and tribes, highways and rivers.
All eyes see thee before them,
For thou art Aton of the day over the earth.

24. Osiris [1]

Originally, it seems, a local god of Dedu (later known as Busiris) in the Delta, Osiris early made his way up the Nile and even before the union of Lower and Upper Egypt had become established at Siut and Abydos, which subsequently were the chief centers of his cult. He has been variously interpreted as an old underworld deity, as a personification of the Nile, whose annual inundation was responsible for the fertility of Egypt, and as a vegetation god dying each year when the crops had been gathered but reviving when the seed was again deposited in the soil. Osiris was also represented as lord of the realms of the dead in the region west of the Nile, or of the nether world whose entrance lay in the west where the sun went down. The following extract from a hymn to Osiris is written in hieratic characters upon a limestone slab now in the Egyptian Museum at Cairo.

Praise be unto thee, O thou who extendest thine arms, who liest asleep on thy side, who liest on the sand, the Lord of the earth, the divine mummy. . . . Ra-Khepera shineth upon thy body, when thou liest on thy bed in the form of Seker, so that he may drive away the darkness that shroudeth thee, and may

[1] Sir E. A. Wallis Budge, *The Literature of the Ancient Egyptians*, London, 1914, pp. 221–222. J. M. Dent and Sons, Ltd.

infuse light in thy two eyes. He passeth a long period of time shining upon thee, and sheddeth tears over thee. The earth resteth upon thy shoulders, and its corners rest upon thee as far as the four pillars of heaven. . . . The Nile appeareth out of the sweat of thy two hands. Thou breathest forth the air that is in thy throat into the nostrils of men; divine is that thing whereon they live. Through thy nostrils subsist the flowers, the herbage, the reeds, the flags, the barley, the wheat, and the plants whereon men live. If canals are dug . . . and houses and temples are built, and great statues are dragged along, and lands are ploughed up, and tombs and funerary monuments are made, they all rest upon thee. It is thou who makest them. They are upon thy back. They are more than can be done into writing.[1] There is no vacant space on thy back, they all lie on thy back, and yet thou sayest not, "I am overweighted therewith." Thou art the father and mother of men and women, they live by thy breath, they eat the flesh of thy members. "Pautti"[2] is thy name.

25. Isis[3]

The goddess Isis, sister-wife of Osiris and mother of Horus, held a prominent place in Egyptian religion, mythology, and magic from a remote period, as we know from the evidence of the Pyramid Texts. Her importance increased as time went on: Herodotus, writing about the middle of the fifth century B.C., describes her as the goddess whom the Egyptians held to be greatest and states that she and Osiris, unlike other deities, received universal worship. After the conquest of Egypt by Alexander the Great she became a Græco-Egyptian divinity, and early in the third century B.C. her cult spread to Greece itself. The Greek inscription translated below was found on the island of Ios, one of the Cyclades. It belongs to the Hellenistic Age.

I am Isis, the mistress of every land, and I was taught by Hermes,[4] and by aid of Hermes I found out demotic letters, so that all things should not be written with the same letters.

[1] *I.e.*, described.

[2] "Primeval God."

[3] Sir E. A. Wallis Budge, *Osiris and the Egyptian Resurrection*, London, 1911, vol. ii, pp. 290–292. Medici Society.

[4] Egyptian Thoth, who composed the spells which Isis learned from him.

I laid down laws for mankind, and ordained things that no one has power to change.

I am the eldest daughter of Kronos.[1]

I am wife and sister of Osiris the king.

I am she who governs the star of Kuon the god.[2]

I am she who is called Divine among women.

For me was built the city of Bubastis.

I divided the earth from the heaven.

I made manifest the paths of the stars.

I prescribed the course of the sun and of the moon.

I found out the labours of the sea.

I made justice mighty.

I brought together woman and man.

I burdened woman with the new-born babe in the tenth month.

I ordained that parents should be beloved by their children.

I inflicted retribution on those that feel no love for their parents.

I, by aid of Osiris my brother, put an end to anthropophagy.

I revealed initiations to mankind.

I taught mankind to honour the statues of the gods.

I founded sanctuaries of the gods.

I overthrew the sovereignties of tyrants.

I compelled women to be beloved by men.

I made justice more mighty than gold and silver.

I ordained that truth should be accounted beautiful.

I found out marriage contracts for women.

I appointed separate languages for Greeks and for foreigners.

I made virtue and vice to be distinguished by instinct.

26. The Rosetta Stone [3]

This famous monument was discovered in 1799 near the western or "Rosetta" mouth of the Nile, by a French officer attached to Napoleon's expeditionary force in Egypt. It was ceded to the English at the capitulation of Alexandria two years later, and is now in the British Museum. The monument, a block of black basalt three feet,

[1] Egyptian Keb.

[2] Sothis, the Dog Star.

[3] *Records of the Past* (First Series), vol. iv, pp. 75–77. Translated by S. Birch.

seven inches in height, bears an inscription three times repeated: at the top hieroglyphs; in the middle a later and simplified form of Egyptian writing (demotic), and at the bottom the Greek text. The inscription records the divine honors paid to Ptolemy V, Epiphanes, by the priests assembled at Memphis in 196 B.C. The study of the Rosetta Stone by the gifted François Champollion and other scholars proved that ancient Egyptian was the ancestor of the modern Coptic, thus laying the foundation for the decipherment of hieroglyphic writing. Only a part of the long inscription is here quoted in a translation of the Greek text.

It has seemed fit to the Priests of all the temples in the country that all the honours bestowed to the ever-living King Ptolemy, . . . the god Epiphanes, Eucharistes, as well as those of his parents, gods Philapatores, and those of his grandparents, gods Evergetai, and those of the gods Adelphi, and those of the gods Soteres, should be newly greatly increased; and to raise to the ever-living King Ptolemy, god Epiphanes, Eucharistes, an image in each temple, in the most visible part, which should bear the name of Ptolemy, the avenger of Egypt; that close by should be placed standing the principal god of the temple, presenting him a weapon of victory, the whole disposed in the Egyptian fashion; that the Priests should perform thrice daily religious services at the images, and place sacred decorations on them; and they should execute the other prescribed ceremonies, as for the other gods in the panegyries celebrated in Egypt; that they should raise to King Ptolemy, god Epiphanes, Eucharistes, born of the King Ptolemy and the Queen Arsinoë, the gods Philopatores, a statue of wood and gilt shrine, in each of the temples; that they should place them in the sanctuaries with the other shrines; and that at the great panegyries when the shrines are taken out, that of the god Epiphanes, Eucharistes, should be taken out at the same time.

In order that his shrine should be distinguished from the others, now and hereafter, it should be surmounted with the ten gold diadems of the King, before which should be placed an asp, as with all the diadems which bear asps on the other shrines: . . . amidst them should be placed the headdress called Pschent, wherewith the King was covered when he entered the temple at

Memphis, there to accomplish the ceremonies prescribed when taking possession of the throne: and . . . on the square face of the headdresses to the aforesaid royal ornament, [should be placed] ten golden phylacteries, whereon shall be written that it is that of the King who has rendered illustrious the Upper Country and the Lower Country.[1]

[1] The inscription concludes with an account of the yearly festivals instituted in honor of Ptolemy V.

SECTION II

BABYLONIANS AND ASSYRIANS

27. Sargon of Agade [1]

Sargon of Agade (*c.* 2750 B.C.) was a Semitic king who ruled over Akkad, or northern Babylonia. He subdued the kings of Sumer, south of Akkad, and so became master of all the "Plain of Shinar." In this document, the text of which was transcribed on tablets deposited in the Assyrian royal library at Nineveh, the king is represented as recounting in the first person the story of his lowly birth and boyhood, his subsequent elevation to the throne, and his imperial rule. The parallelism between this narrative and the Biblical account of the infant Moses (*Exodus*, ii, 1–10) has been often pointed out.

Sargon, the mighty king, the king of Agade, am I. My mother was lowly, my father I knew not, and the brother of my father dwelleth in the mountain. My city is Azupiranu,[2] which lieth on the bank of the Euphrates. My lowly mother conceived me, in secret she brought me forth. She set me in a basket of rushes, with bitumen she closed my door; she cast me into the river, who rose not over me. The river bore me up, unto Akki, the irrigator it carried me. Akki, the irrigator, with . . . lifted me out, Akki, the irrigator, as his own son . . . reared me, Akki, the irrigator, as his gardener appointed me. While I was a gardener the goddess Ishtar loved me, and for . . . -four years I ruled the kingdom.[3]

28. Conquests of Sargon of Agade [4]

This extract from Sargon's chronicle (on a tablet in the British Museum) indicates that in addition to his Babylonian conquests he also carried his victorious arms as far westward as the Mediterranean.

[1] L. W. King, *Chronicles concerning Early Babylonian Kings*, London, 1907, vol. ii, pp. 87–91. Luzac and Company.

[2] The location of the city is unknown.

[3] The remainder of the inscription is badly mutilated.

[4] L. W. King, *Chronicles concerning Early Babylonian Kings*, London, 1907, vol. ii, pp. 3–9. Luzac and Company.

Sargon thus began the policy of sweeping annexations that gave to Babylonia, and subsequently to Assyria, so prominent a place in the ancient Oriental world.

Sargon, king of Agade, through the royal gift of Ishtar [1] was exalted, and he possessed no foe nor rival. His glory over the world he poured out. The Sea in the East [2] he crossed, and in the eleventh year [3] the Country of the West in its full extent his hand subdued. He united them under one control; he set up his images in the West; their booty he brought over at his word. The sons of his palace for five *kasbu* around he settled, and over the hosts of the world he reigned supreme. Against Kasalla he marched, and he turned Kasalla into mounds and heaps of ruins; he destroyed the land and left not enough for a bird to rest thereon. Afterwards in his old age all the lands revolted against him, and they besieged him in Agade; and Sargon went forth to battle and defeated them; he accomplished their overthrow, and their wide-spreading host he destroyed. Afterwards he attacked the land of Subartu in his might, and they submitted to his arms, and Sargon settled that revolt, and defeated them; he accomplished their overthrow, and their wide-spreading host he destroyed, and he brought their possessions into Agade. The soil from the trenches of Babylon he removed, and the boundaries of Agade he made like those of Babylon. But because of the evil which he had committed the great lord Marduk [4] was angry, and he destroyed his people by famine. From the rising of the Sun unto the setting of the Sun they opposed him and gave him no rest.

29. Building Inscription of Hammurabi [5]

Babylonia, more than three thousand years before the Christian era, was divided among a number of little city-states, including Ur, Erech, Larsa, Lagash, Kish, Agade, and Sippar. Babylon, from which the

[1] The Babylonian goddess of love.

[2] The Persian Gulf.

[3] Probably the eleventh year of Sargon's reign.

[4] Marduk (Merodach), the chief deity of the Babylonian pantheon.

[5] L. W. King, *Letters and Inscriptions of Hammurabi*, London, 1898–1900, vol. iii, pp. 190–191. Luzac and Company.

whole district eventually took its name, seems to have been an important place even in the earliest period, but it did not establish a hegemony over the other cities of the lower Euphrates valley until the reign of Hammurabi (Hammurapi). This Babylonian king probably belongs to the twenty-first century B.C. He must be counted among the greatest of ancient Oriental rulers, whether we consider him in his rôle of warrior, who threw off the Elamite yoke and as Sargon had done before him united southern with northern Babylonia, or whether we dwell upon his achievements as an administrator, a builder, and a lawgiver. Hammurabi was the sixth king of the First (or Old) Babylonian Dynasty. He has left to us numerous letters and inscriptions, besides the great code imperishably associated with his name. The inscription here quoted is in the Louvre, Paris.

Hammurabi, the mighty king, the king of Babylon, the king who hath brought to subjection the four quarters of the world, who hath brought about the triumph of Marduk, the shepherd who delighteth his heart, am I.

When Anu and Bel [1] gave me the land of Sumer and Akkad to rule and entrusted their sceptre to my hands, I dug out the Hammurabi-canal named Nuhus-nisi, which bringeth abundance of water unto the land of Sumer and Akkad. Both the banks thereof I changed to fields for cultivation, and I garnered piles of grain, and I procured unfailing water for the land of Sumer and Akkad.

As for the land of Sumer and Akkad, I collected the scattered peoples thereof, and I procured food and drink for them. In abundance and plenty I pastured them, and I caused them to dwell in a peaceful habitation.

At that time I, Hammurabi, the mighty king, the beloved of the great gods, through the great power which Marduk had bestowed upon me, built a lofty fortress, at the head of the Hammurabi-canal named Nuhus-nisi, with much earth, the top of which reacheth on high like unto a mountain. This fortress I named Dur-Sin-muballit-abim-walidia, and thus did I cause the name of Sin-muballit, the father who begat me, to dwell in the four quarters of the world.

[1] Anu and Bel were Babylonian deities.

30. A Tell el-Amarna Letter [1]

The city of Akhetaton (" Horizon of the Disk "), near the east bank of the Nile and about one hundred and seventy miles south of Cairo, was founded by Amenhotep IV (Ikhnaton) as his capital, after his adoption of the monotheistic cult of Aton, the Solar Disk. The city was abandoned not long after the Pharaoh's death; its site is now generally known as Tell el-Amarna. Here in 1887–1888 were found some three hundred clay tablets inscribed with cuneiform characters and forming part of the official archives of Amenhotep IV and his father. The collection includes about forty letters addressed to these rulers by the kings of Babylonia, Assyria, and other countries of western Asia. The correspondence is essentially diplomatic in character, the writer's principal object in each case being to preserve amicable relations with Egypt. The following letter from the Kassite ruler, Burraburiash, to Amenhotep IV indicates that some kind of international law existed in the Near East during the fourteenth century B.C. and that each nation was expected to protect the subjects of other nations passing through their territories.

To Napkhu'ruria, king of Egypt, my brother, speaks thus Burraburiash, king of Karaduniash, thy brother. With me is it well. With thee, with thy land, thy house, thy wives, thy children, thy nobles, thy horses, thy chariots, may it be exceeding well. I and my brother have spoken friendly with one another, and have said this: "As our fathers were, so also will we be good friends." But now my merchants, who came up with Akhutabu, remained behind in Canaan for business reasons. After Akhutabu had gone on to my brother,[2] in the city of Khinnatuni of Canaan, Shumadda, son of Balumme and Shutatua, son of Sharatum, of Acco, sent their men and slew my merchants, and took away their money. I have sent Azzu to thee; question him, and let him inform thee. Canaan is thy land, and its kings are thy servants. In thy land violence has been done me. Punish them, and the money, which they have taken away, restore, and slay the men who have killed my servants, and avenge their blood. If thou dost not slay these men, they, on another occasion, will kill my caravans, or thy

[1] R. W. Rogers, *Cuneiform Parallels to the Old Testament* (Second Edition), New York, 1926, pp. 262–263. Abingdon Press.

[2] *I.e.*, Amenhotep IV.

messengers, and then messengers will cease to pass between us. And if they deny, be it known to thee that Shumadda cut the feet off one of my people,[1] and kept him prisoner, and that Shutatua of Acco set another on his head and he stands before his face as a servant. Cause these men to be brought before thee, and take thought for my welfare. As a present I have sent thee a mina of lapis-lazuli. Send my messenger back quickly. May I learn of the prosperity of my brother. Do not hold my messenger. Let him come quickly.

31. Inscription of Tiglath-pileser I [2]

Under Tiglath-pileser I (*c.* 1100 B.C.) Assyria entered definitely upon the path of world-conquest. His successful campaigns against Babylon enabled him to assume the title of King of Sumer and Akkad; in the north he triumphed over the Hittites; he penetrated Syria, being the first Assyrian monarch to behold the Mediterranean; and he finally ruled as far as the " Upper Sea of the West " (the Black Sea). A record of these exploits was inscribed on four large octagonal cylinders of clay, originally buried under the foundations of a temple in the royal city of Ashur (Kalat-Sherkat). The cylinders are now in the British Museum.

Ashur, the great lord, who ruleth the host of the gods, who bestoweth the sceptre and the crown, who establisheth sovereignty; Bel, the lord, the king of all the Anunnaki,[3] the father of the gods, the lord of lands; Sin, the wise, the lord of the lunar disk, exalted in splendour; Shamash,[4] the judge of heaven and earth, who frustrateth the evil designs of the enemy, who helpeth the righteous; Adad,[5] the mighty, who overwhelmeth the regions of the foe, lands and houses alike; Ninib, the hero, who destroyeth the wicked and the enemy, who fufilleth the desire of the heart; Ishtar, chiefest among the gods, the lady of confusion, who letteth loose terrible battles; — Hail, ye great gods, ye rulers of heaven and earth, whose onward rush is battle and destruction,

[1] Probably a metaphorical statement, meaning that Shumadda had captured the messenger.

[2] Sir. E. A. Wallis Budge and L. W. King, *Annals of the Kings of Assyria*, London, 1902, vol. i, pp. 27–35. British Museum.

[3] The spirits of heaven.

[4] The sun god.

[5] The air or weather god.

who have enlarged the kingdom of Tiglath-pileser, the beloved prince, the desire of your hearts, the exalted shepherd, whom ye in your faithful hearts have chosen, and whom ye have crowned with a lofty diadem, and to be the king over the land of Bel did solemnly appoint him; to him have ye granted dominion, and glory, and power, and ye have given command that his rule should be mighty, and that his priestly seed should have a place in E-kharsagkurkura [1] for ever.

Tiglath-pileser, the strong king, the king of hosts who hath no rival, the king of the four quarters of the world, the king of all princes, the lord of lords, the mighty one, the king of kings, the exalted priest, on whom through the command of Shamash a shining sceptre was bestowed, and who hath ruled the nations, the subjects of Bel, the whole of them; the true shepherd,[2] who hath been proclaimed over all princes; the exalted judge, whose weapons Ashur hath directed, and, that he should be the shepherd of the four quarters of the world, hath proclaimed his name for ever; the conqueror of remote territories on the borders of his kingdom in the upper and the lower countries; the dazzling day whose splendour overwhelmeth the quarters of the world; the mighty flame which, like the rush of a storm, wreaketh its force upon a hostile land; who through the command of Bel hath no rival, and hath overthrown the enemies of Ashur.

Ashur and the great gods, who have made my kingdom great, and who have granted me strength and power as my possession, gave command that I should extend the boundary of their land, and their mighty weapons, the storm of battle, they set within my hand. Lands, and mountains, and cities, and princes, who were enemies of Ashur, I have conquered, and their territories I have subdued. With sixty kings valiantly I fought, and victories in battle over them I achieved. An equal in the battle, or a rival in the fight I had not. Unto Assyria I added land, unto her peoples I added peoples. The frontier of my land I enlarged, and the whole of their lands [3] I conquered.

[1] The "Temple of the Mountain of the World," the name of an old temple in the city of Ashur, which had been restored by Shalmaneser I.

[2] *I.e.*, legitimate, duly appointed.

[3] The lands of the sixty kings previously mentioned.

32. Ashur-nasir-pal's Exploits [1]

Ashur-nasir-pal II (884–859 B.C.) describes as follows a campaign in the second year of his reign against rebellious peoples northwest of Assyria. The text of his annals was inscribed on pavement slabs of a temple at Calah (Nimrud).

At the source of the river Subnat, where stand the images of Tiglath-pileser and Tukulti-Urta, kings of Assyria, my fathers, I fashioned an image of my royal person, and I set it up beside them. At that time I received the tribute of the land of Isala, — cattle, flocks, and wine. To the mountain of Kashiari I crossed, to Kinabu, the fortified city of Hulai, I drew near. With the masses of my troops and by my furious battle onset I stormed, I captured the city; 600 of their warriors I put to the sword; 3,000 captives I burned with fire; I did not leave a single one among them alive to serve as a hostage. Hulai, their governor, I captured alive. Their corpses I formed into pillars; their young men and maidens I burned in the fire. Hulai, their governor, I flayed, his skin I spread upon the wall of the city of Damdamusa; the city I destroyed, I devastated, I burned with fire. The city of Mariru, which was within their borders, I captured. Fifty of their warriors I put to the sword; 200 of their captives I burned with fire. 332 men of the land of Nirbu I slew in a battle on the plain; their spoil, their cattle, and their sheep I carried off. The men of the land of Nirbu, which is at the foot of Mount Uhira, had banded themselves together, and had entered the city of Tela, their stronghold.

From Kinabu I departed, to the city of Tela I drew near. The city was exceeding strong and was surrounded by three walls. The men trusted in their mighty walls and in their hosts, and did not come down, and did not embrace my feet. With battle and slaughter I stormed the city and captured it. 3,000 of their warriors I put to the sword; their spoil and their possessions, their cattle and their sheep I carried off. Many captives from among them I burned with fire, and many I took as living cap-

[1] D. D. Luckenbill, *Ancient Records of Assyria and Babylonia*, Chicago, 1926–1927, vol. i, pp. 146–147. University of Chicago Press.

tives. From some I cut off their hands and their fingers, and from others I cut off their noses, their ears, and their fingers, of many I put out the eyes. I made one pillar of the living, and another of heads, and I bound their heads to posts round about the city. Their young men and maidens I burned in the fire, the city I destroyed, I devastated, I burned it with fire and consumed it. At that time the cities of the land of Nirbi and their strong walls I destroyed, I devastated, I burned with fire.

33. An Assyrian Treaty [1]

The second year of the reign of Ashur-nirari V (754–746 B.C.) was marked by a successful expedition against Arpad in northern Syria. Mati-ilu, its ruler, had to sue for peace, the terms of which were embodied in a formal treaty. The tablet recording it belongs to the British Museum collections.

Mati-ilu, his sons, his daughters, his nobles, the men of his land, shall not sin against the oaths. This goat is not brought forth from his flock as an offering, either for the war-loving or the peace-loving Ishtar, either for illness or for slaughter as food; it has been brought that Mati-ilu should take the oath of loyalty to Ashur-nirari, king of Assyria. If Mati-ilu sins against the oaths, then as this goat is brought from his flock and shall never return to his flock, to the headship of his flock shall not return, so shall Mati-ilu, with his sons, his daughters, and the men of his land be brought out of his land, to his land shall he not return, to the headship of his land shall he not return. This head is not the head of a goat, it is the head of Mati-ilu, it is the head of his sons, of his nobles, of the men of his land. If Mati-ilu transgresses these oaths, then as the head of this goat is cut off and his teeth laid in his mouth, so shall the head of Mati-ilu be cut off.

At the command of Ashur-nirari shall he go against his enemies; Mati-ilu with his nobles and his military forces shall not go out or march according to the pleasure of their own hearts, else shall Sin,[2] the great lord who dwells in Harran, clothe

[1] A. T. Olmstead, *History of Assyria*, New York, 1923, pp. 173–174. Charles Scribner's Sons.

[2] The moon god.

Mati-ilu, his nobles, and the men of his land with leprosy like a garment, that they camp outside in the open fields and receive no compassion. Increase of cattle, asses, sheep, horses, shall there not be in his land. May Adad,[1] the prince of heaven and earth, cut off Mati-ilu, his land, and the men of his land with want and hunger; may they eat the flesh of their sons and daughters and may they be savoury as goat's flesh or mutton; may Adad cut off their wells and may rainfall cease; may dust be their food, on the bare ground may they seek repose. If Mati-ilu, his sons, his nobles, sin against the oaths to Ashur-nirari, king of Assyria, may his cultivators not sing in the fields the harvest song, may not a plant of the field spring forth. If they bring an offering for remembrance of any one, but it be not an offering for thy life, if they bring it for thy sons and daughters but bring it not for the life of Ashur-nirari, his sons and his nobles, then may Ashur, father of the gods, who grants kingship, reduce thy land to a desert, thy subjects to skeletons, thy city to ruined mounds, thy house to a ruin.

34. Inscription of Sennacherib [2]

The Taylor Cylinder, so named from a former owner, is a six-sided prism of terra cotta found at Nineveh in 1830 and now in the British Museum. It contains a record of eight years of Sennacherib's reign, including his third expedition (700 B.C.), which was directed against the kings of Phœnicia and Palestine. The story of this expedition is also recorded, from the Hebrew side, in the Old Testament (*Isaiah*, xxxvi, 1 ff., and 2 *Kings*, xviii, 13 ff.).

As for Hezekiah, the Jew, who did not submit to my yoke, 46 of his strong, walled cities, as well as the small cities in their neighborhood, which were without number, — by escalade and by bringing up siege engines, by attacking and storming on foot, by mines, tunnels and breaches, I besieged and took. 200,150 people, great and small, male and female, horses, mules, asses, camels, cattle and sheep, without number, I brought away from

[1] The weather god.

[2] D. D. Luckenbill *Ancient Records of Assyria and Babylonia*, Chicago, 1926–1927, vol. ii., pp. 120–121. University of Chicago Press.

them and counted as spoil. Himself, like a caged bird, I shut up in Jerusalem, his royal city. Earthworks I threw up against him, — the one coming out of his city gate I turned back to his misery. The cities of his, which I had despoiled, I cut off from his land and to Mitinti, king of Ashdod, Padi, king of Ekron, and Silli-bel, king of Gaza, I gave them. And thus I diminished his land. I added to the former tribute, and laid upon them, as their yearly payment, a tax in the form of gifts for my majesty. As for Hezekiah, the terrifying splendor of my majesty overcame him, and the Urbi[1] and his mercenary troops which he had brought in to strengthen Jerusalem, his royal city, deserted him. In addition to 30 talents of gold and 800 talents of silver, there were gems, antimony, jewels, large *sandu*-stones, couches of ivory, house chairs of ivory, elephant's hide, ivory, maple, box-wood, all kinds of valuable treasures, as well as his daughters, his harem, his male and female musicians, which he had them bring after me to Nineveh, my royal city. To pay tribute and to accept servitude he dispatched his messengers.

35. A Denunciation of Nineveh[2]

The following prophecy probably belongs to a time near the fall of Nineveh before the allied Medes and Babylonians (612 B.C.), or at least to some date in the latter part of the seventh century B.C., when the collapse of the Assyrian power might have been reasonably anticipated.

Woe to the bloody city!
It is all full of lies and rapine;
The prey departeth not.
Hark! the whip, and hark! the rattling of wheels;
And prancing horses, and bounding chariots;
The horseman charging,
And the flashing sword, and the glittering spear;
And a multitude of slain, and a heap of carcasses;
And there is no end of the corpses,
And they stumble upon their corpses; . . .
Behold, I am against thee, saith the Lord of hosts. . . .

[1] Arabs.
[2] *Nahum*, iii, 1–19.

And it shall come to pass, that all they that look upon thee
Shall flee from thee,
And say: "Nineveh is laid waste;
Who will bemoan her?
Whence shall I seek comforters for thee?"
Art thou better than No-amon,[1]
That was situate among the rivers,
That had the waters round about her;
Whose rampart was the sea, and of the sea her wall?
Ethiopia and Egypt were thy strength, and it was infinite;
Put [2] and Lubim [2] were thy helpers.
Yet was she carried away,
She went into captivity;
Her young children also were dashed in pieces
At the head of all the streets;
And they cast lots for her honourable men,
And all her great men were bound in chains.
Thou also shalt be drunken,
Thou shalt swoon;
Thou also shalt seek a refuge
Because of the enemy.

All thy fortresses shall be like figtrees with the first-ripe figs:
If they be shaken, they fall into the mouth of the eater.
Behold, thy people in the midst of thee are women;
The gates of thy land are set wide open unto thine enemies;
The fire hath devoured thy bars.
Draw thee water for the siege,
Strengthen thy fortresses;
Go into the clay, and tread the mortar,
Lay hold of the brickmould.
There shall the fire devour thee;
The sword shall cut thee off,
It shall devour thee like the cankerworm;
Make thyself many as the cankerworm,

[1] Egyptian Thebes.
[2] Put cannot be identified with certainty; Lubim probably refers to the Libyans.

Make thyself many as the locust.
Thou hast multiplied thy merchants
Above the stars of heaven;
The canker-worm spreadeth itself, and flieth away.
Thy crowned are as the locusts,
And thy marshals as the swarms of grasshoppers,
Which camp in the walls in the cold day,
But when the sun ariseth they flee away,
And their place is not known where they are.
Thy shepherds slumber, O king of Assyria,
Thy worthies are at rest;
Thy people are scattered upon the mountains,
And there is none to gather them.
There is no assuaging of thy hurt,
Thy wound is grievous;
All that hear the report of thee
Clap the hands over thee;
For upon whom hath not thy wickedness passed continually?

36. Building Inscription of Nebuchadrezzar II [1]

An idea of the peaceful activities of Babylonian rulers is afforded by this brief inscription in which Nebuchadrezzar II, the Biblical Nebuchadnezzar (604–561 B.C.), describes the rebuilding of Babylon. His record has been confirmed by recent excavations on the site of the famous capital.

Nebuchadnezzar, king of Babylon, caretaker of Esagila [2] and Ezida,[2] son of Nabopolassar, king of Babylon, am I. In order to strengthen the defences of Esagila, that the evil destroyer might not press against Babylon, that the front of the battle-line might not draw near to Imgur-Bel, the wall of Baby-

[1] Stephen Langdon, *Building Inscriptions of the Neo-Babylonian Empire*, Paris, 1905, pt. i, pp. 73, 75. Ernest Leroux.

[2] The temple of Bel-Marduk (Merodach), anciently known as Esagila, rose within the precincts of Babylon. It is represented to-day by the mound of Babil, which was formerly identified with the celebrated Hanging Gardens. The temple of Nebo, called Ezida, stood at Borsippa, a few miles to the southwest of the Babylonian capital. The huge pyramidal mound, reaching a height of 153 feet, that marks the site of the temple, is known as Birs Nimrud (Nimrod's Tower). Hebrew tradition has always regarded it as the Tower of Babel.

lon, that which no king before me had done, I did, in that on the outskirt of Babylon a great wall to the eastward of Babylon I put around about the city. Its moat-wall I dug and attained unto the water level, and beheld it; and the moat-wall which my father had fixed was secure in its construction. And so a great wall which like a mountain cannot be moved I made of mortar and brick; with the moat-wall which my father fixed I joined it. Its foundation upon the bosom of the abyss I placed down deeply. Its top I raised mountain high. Along the city wall, to fortify it, I caused it to run, and a great protecting wall for the foundation of this wall of burnt brick I caused to be laid, and built it upon the bosom of the abyss, and placed its base down deeply. The fortifications of Esagila and Babylon I strengthened and made an everlasting name for my reign.

O Marduk, lord of the gods, my divine creator, before thee may my deeds be pious, may they last unto eternity. Life for many generations, abundance of posterity, security on the throne, and a long reign grant as thy gift. Truly thou art my deliverer and my help, O Marduk. By thy faithful word that changes not verily my weapons advance, verily they are dreadful, may they crush the arms of the foe.

37. Babylon [1]

The older Babylon, which Hammurabi in the twenty-first century B.C. had made his capital, was destroyed by Sennacherib in 689 B.C. It has left few, if any, traces behind. The later city, as rebuilt by Nebuchadrezzar II, we know from that monarch's inscriptions, from the accounts of classical writers, including Herodotus, Diodorus, and Ctesias, and from modern excavations, particularly those of the German Oriental Society, which were begun in 1899. Most of the existing remains lie on the east bank of the Euphrates, about seventy miles south of Bagdad.

Assyria possesses a vast number of great cities, whereof the most renowned and strongest at this time was Babylon, whither, after the fall of Nineveh, the seat of government had been removed. The following is a description of the place: — The

[1] Herodotus, i, 178–181. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. i, pp. 297–302. John Murray.

city stands on a broad plain, and is an exact square, a hundred and twenty furlongs in length each way, so that the entire circuit is four hundred and eighty furlongs.[1] While such is its size, in magnificence there is no other city that approaches to it. It is surrounded, in the first place, by a broad and deep moat, full of water, behind which rises a wall fifty royal cubits in width, and two hundred in height.[2] (The royal cubit is longer by three fingers' breadth than the common cubit.)

And here I may not omit to tell the use to which the mould dug out of the great moat was turned, nor the manner wherein the wall was wrought. As fast as they dug the moat the soil which they got from the cutting was made into bricks, and when a sufficient number were completed they baked the bricks in kilns. Then they set to building, and began with bricking the borders of the moat, after which they proceeded to construct the wall itself, using throughout for their cement hot bitumen, and interposing a layer of wattled reeds at every thirtieth course of the bricks. On the top, along the edges of the wall, they constructed buildings of a single chamber facing one another, leaving between them room for a four-horse chariot to turn. In the circuit of the wall are a hundred gates, all of brass, with brazen lintels and side-posts. The bitumen used in the work was brought to Babylon from the Is,[3] a small stream which flows into the Euphrates at the point where the city of the same name stands, eight days' journey from Babylon. Lumps of bitumen are found in great abundance in this river.

The city is divided into two portions by the river which runs through the midst of it. This river is the Euphrates, a broad, deep, swift stream, which rises in Armenia, and empties itself into the Erythræan Sea.[4] The city wall is brought down on both sides to the edge of the stream: thence, from the corners of the

[1] The circuit of about 56 miles, which Herodotus assigns to the outermost wall, would include an area of about 200 square miles. These figures must be grossly exaggerated.

[2] Herodotus thus makes the outermost wall about 335 feet in height and 85 feet in width. His statement is quite preposterous.

[3] The modern Hit, where bitumen, a kind of pitch, is still abundant.

[4] Arabian Sea.

wall, there is carried along each bank of the river a fence of burnt bricks. The houses are mostly three and four storeys high; the streets all run in straight lines, not only those parallel to the river, but also the cross streets which lead down to the water-side. At the river end of these cross streets are low gates in the fence that skirts the stream, which are, like the great gates in the outer wall, of brass, and open on the water.

The outer wall is the main defence of the city. There is, however, a second inner wall, of less thickness than the first, but very little inferior to it in strength. The centre of each division of the town was occupied by a fortress. In the one stood the palace of the kings, surrounded by a wall of great strength and size: in the other was the sacred precinct of Jupiter Belus,[1] a square enclosure two furlongs each way, with gates of solid brass; which was also remaining in my time. In the middle of the precinct there was a tower of solid masonry, a furlong in length and breadth, upon which was raised a second tower, and on that a third, and so on up to eight. The ascent to the top is on the outside, by a path which winds round all the towers. When one is about half-way up, one finds a resting-place and seats, where persons are wont to sit some time on their way to the summit. On the topmost tower there is a spacious temple.

38. Code of Hammurabi [2]

Hammurabi (Hammurapi), king of Babylon, issued in the twenty-first century B.C. a code of laws which he ordered to be engraved on stone pillars and placed in the chief cities of his realm. One of these pillars, a block of black diorite, was set up in the temple of the sun god, Shamash, in Sippar. At some later time an Elamite invader of Babylonia took the monument away to Susa in Elam, doubtless as a trophy. Here it was found by the French archæologist, J. de Morgan, while excavating on the site of Susa in December, 1901, and January, 1902. It had been broken into three large fragments, which fitted together perfectly and formed a block nearly eight feet high and two feet wide. A bas-relief at the top shows the seated sun god presenting the code to Hammurabi, who stands before him in an attitude of reverent obedience. The in-

[1] Bel-Marduk (Merodach).

[2] R. F. Harper, *The Code of Hammurabi, King of Babylon*, Chicago, 1904, pp. 11–97 *passim*. University of Chicago Press.

scription, beginning immediately below the relief, is carried around the pillar in parallel columns, of which forty-four are preserved. The entire inscription probably contained forty-nine columns. Including the laws erased, the code has a total of two hundred and eighty-two titles. It is the longest cuneiform Semitic inscription that has yet been recovered. This precious record is now preserved in the Louvre. Hammurabi's code, though written in the Babylonian script, formed essentially a reissue of ancient Sumerian laws. It always exerted a great influence in the Near East, and some of its enactments may have been subsequently reproduced in the Mosaic legislation. Whether the numerous parallels between the two codes are to be thus explained, or are due to derivation from a common source, or, finally, are quite accidental in character is a question still under discussion by scholars. Quite apart from such considerations, the code presents a vivid picture of highly organized society in Babylonia at the close of the third millennium B.C.

1. If a man bring an accusation against a man, and charge him with a capital crime, but cannot prove it, he, the accuser, shall be put to death.

3. If a man, in a case pending judgment, bear false witness, or do not establish the testimony that he has given, if that case be a case involving life, that man shall be put to death.

6. If a man steal the property of a god [temple] or palace, that man shall be put to death; and he who received from his hand the stolen property shall also be put to death.

14. If a man steal a man's son, who is a minor, he shall be put to death.

15. If a man aid a male or female slave of the palace, or a male or female slave of a freeman to escape from the city gate, he shall be put to death.

21. If a man make a breach in a house,[1] they shall put him to death in front of that breach and they shall thrust him therein.

22. If a man practice brigandage and be captured, that man shall be put to death.

23. If the brigand be not captured, the man who has been robbed, shall . . . make an itemized statement of his loss, and the city and the governor, in whose province and jurisdiction the robbery was committed, shall compensate him for whatever was lost.

[1] *I.e.*, breaks into a house as a burglar.

42. If a man rent a field for cultivation and do not produce any grain in the field, they shall call him to account, because he has not performed the work required on the field, and he shall give to the owner of the field grain on the basis of the adjacent fields.

53. If a man neglect to strengthen his dyke and do not strengthen it, and a break be made in his dyke and the water carry away the farm-land, the man in whose dyke the break has been made shall restore the grain which he has damaged.

55. If a man open his canal for irrigation and neglect it and the water carry away an adjacent field, he shall measure out grain on the basis of the adjacent fields.

109. If outlaws collect in the house of a wine-seller, and she do not arrest these outlaws and bring them to the palace, that wine-seller shall be put to death.

117. If a man be in debt and sell his wife, son or daughter, or bind them over to service, for three years they shall work in the house of their purchaser or master; in the fourth year they shall be given their freedom.

128. If a man take a wife and do not arrange with her the proper contracts, that woman is not a legal wife.

138. If a man would put away his wife who has not borne him children, he shall give her money to the amount of her marriage settlement, and he shall make good to her the dowry which she brought from her father's house and then he may put her away.

142. If a woman hate her husband, and say: "Thou shalt not have me," they shall inquire into her antecedents for her defects; and if she have been a careful mistress and be without reproach and her husband have been going about and greatly belittling her, that woman has no blame. She shall receive her dowry and shall go to her father's house.

143. If she have not been a careful mistress, have gadded about, have neglected her house and have belittled her husband, they shall throw that woman into the water.

168. If a man set his face to disinherit his son and say to the judges: "I will disinherit my son," the judges shall inquire into

his antecedents, and if the son have not committed a crime against his father sufficiently grave to cut him off from sonship, the father may not cut off his son from sonship.

195. If a son strike his father, they shall cut off his fingers.

196. If a man destroy the eye of another man, they shall destroy his eye.[1]

197. If one break a man's bone, they shall break his bone.

198. If one destroy the eye of a freeman or break the bone of a freeman, he shall pay one mana of silver.

199. If one destroy the eye of a man's slave or break a bone of a man's slave, he shall pay one-half of his price.

215. If a physician operate on a man for a severe wound with a bronze lancet and save the man's life; or if he open an abscess in the eye of a man with a bronze lancet and save that man's eye, he shall receive ten shekels of silver as his fee.

218. If a physician operate on a man for a severe wound with a bronze lancet and cause the man's death; or open an abscess in the eye of a man with a bronze lancet and destroy the man's eye, they shall cut off his fingers.

229. If a builder build a house for a man and do not make its construction firm, and the house which he has built collapse and cause the death of the owner of the house, that builder shall be put to death.

237. If a man hire a boatman and a boat and freight it with grain, wool, oil, dates or any other kind of freight, and that boatman be careless and he sink the boat or wreck its cargo, the boatman shall replace the boat which he sank and whatever portion of the cargo he wrecked.

245. If a man hire an ox and cause its death through neglect or abuse, he shall restore an ox of equal value to the owner of the ox.

251. If a man's bull have been wont to gore and they have made known to him his habit of goring, and he have not protected his horns or have not tied him up, and that bull gore the son of a man and bring about his death, he shall pay one-half mana of silver.

[1] For the *lex talionis* in the Mosaic codes see *Exodus*, xxi, 23–25; *Leviticus*, xxiv, 20; *Deuteronomy*, xix, 21.

282. If a male slave say to his master: "Thou art not my master," his master shall prove him to be his slave and shall cut off his ear.

39. Deeds of Sale [1]

The Babylonians, as Hammurabi's code shows so clearly, were a very legal-minded people. When a person bought or sold property, acquired a slave, married a wife, or made a will, the transaction was duly noted on a contract tablet, which was then filed away in the public archives. Two deeds of sale are given below; the first was drawn up under the First Dynasty of Babylon (*c.* 2200–1900 B.C.); the second, an Assyrian document, belongs to the reign of Ashurbanipal (669–626 B.C.).

I

One and two-thirds *sar* of land built on, next to the house of Nabi-ilishu, and next to the house of Ilushu-ellatzu; upper end, the house of Haiabni-ilu, its exit to that of Immarum, *sar irbitim*,[2] which is his own also; from Nabi-ilishu, Lamazi, the votary of Shamash, daughter of Kasha-Upi, by her written order has bought, its full price in cash has paid. In future, party with party, they shall not dispute. By the name of Shamash, of Marduk, and of Apil-Sin [3] they have sworn.[4]

II

The house of Ina-eshi-etir, son of Nabu-etir, a well-built house, furnished with door-frames, a roofed house, the door and crossbar of which are firm, in the quarter of Bit Kuzub-shame-ersiti, which is in Erech; upper side next Sula, Nabu-nasir and Bel-ahe-erba, sons of Eteru; lower side next Ereshu, son of Shama; upper end next Silla, son of Nabu-ahiddin; lower end next Ereshu, son of Nabu-belani; on each side the house of

[1] C. H. W. Johns, *Babylonian and Assyrian Laws, Contracts, and Letters*, New York, 1904, pp. 241–242, 244. Charles Scribner's Sons.

[2] "King of the four quarters," a title often borne by Babylonian kings.

[3] The fourth ruler of the First Dynasty of Babylon.

[4] The house referred to in the deed was in Sippar, since it is known that Nabi-ilishu resided there. Lamazi, who bought the house, was a niece of Nabi-ilishu. What it cost her is not stated.

Ina-eshi-etir, son of Nabu-etir, more or less, so much as there is, for one mina fifteen shekels of silver, as price, he has intrusted to Ereshu. It is given, received, paid for, freed. An exception to the sale cannot be taken, there is no going back, neither shall implead the other. Hereafter, in future, in days to come, neither brothers, sons, family, relations on either side of the house of Ina-eshi-etir shall arise and lay claim or cause claim to be laid on this house, shall alter or complain, saying.[1] . . . If so, he shall pay twelvefold. At the sealing of this tablet were present.[2] . . . Dated in the twentieth year of Ashurbanipal. Ina-eshi-etir has impressed his nail-mark in lieu of a seal.

40. A Mortgage [3]

The firm of Murashu Sons flourished at Nippur during the period of Persian rule over Babylonia in the fifth and fourth centuries B.C. The archives of the firm, consisting of over seven hundred clay tablets, were found in 1893.

1200 *gur* of dates due to Bel-nadin-shum, son of Murashu, are to be paid by Shamash-shum-lishir, son of Kidin, Shiriqtim, son of Nur-mati-Sin, and Labashi, son of Iqisha. . . . In the month Tishri of the first year of Darius, king, the dates, namely 1200 *gur*, in the measure of Bel-nadin-shum in the city Mushezib-Ninib they shall pay. One is security for the other that the debt shall be paid. Their fields, cultivated and uncultivated, . . . on the Kharipikudu canal, adjoining the field of Ninib-bana and adjoining the field of Bel-shar-usur, which is in the town Mushezib-Ninib, [are] held as a pledge for the dates, namely 1200 *gur*, by Bel-nadin-shum. No other creditor has power over those fields until the claim of Bel-nadin-shum has been satisfied.[4]

[1] The usual pleas are understood here.

[2] Here follow the names of five witnesses.

[3] A. T. Clay, *Light on the Old Testament from Babel* (Second Edition), Philadelphia, 1907, p. 413. Sunday-School Times Company.

[4] Here follow, along with the names of the scribe and witnesses, the thumbnail marks (instead of the seals) of the three persons upon whom the debt rested.

41. A Promissory Note [1]

The following contract belongs to the third year of Nabonidus (555–539 B.C.), the last king of Babylonia. As will be seen, full security was taken for the loan and interest was exacted. The rate of interest is not stated.

One maneh of silver, the property of Nadin-Merodach,[2] the son of Iqisa-bel, the son of Nur-sin, has been received by Nebo-baladan, the son of Nadin-sumi, and Bau-ed-herat, the daughter of Samas-ebus. In the month Tisri they shall repay the money and the interest upon it. Their upper field, which adjoins that of Sum-yukin, the son of Sa-Nebo-su, as well as the lower field, which forms the boundary of the house of the Seer, and is planted with palm-trees and grass, is the security of Nadin-Merodach, to which [3] he shall have the first claim. No other creditor shall take possession of it until Nadin-Merodach has received in full the capital and interest. In the month Tisri the dates which are then ripe upon the palms shall be valued, and according to the current price of them at the time in the town of Sakhrin, Nadin-Merodach shall accept them instead of interest at the rate of thirty-six *qas* [4] the shekel.[5] The money is intended to pay the tax for providing the soldiers of the king of Babylon with arms.

42. A Partnership and a Manumission [6]

These two documents belong to the age of Hammurabi.

I

After Erib-Sin and Nur-Shamash had formed a partnership, they went to the temple of Shamash and rendered an account.

[1] A. H. Sayce, *Babylonians and Assyrians: Life and Customs*, New York, 1899, p. 155. Charles Scribner's Sons.

[2] One of the members of the Egibi firm.

[3] In case of insolvency.

[4] Fifty quarts.

[5] At the time of the Persian conquest of Babylonia (539–538 B.C.) the normal interest was one shekel a month upon each maneh, or twenty per cent. Interest rates in Assyria were still higher.

[6] Morris Jastrow, Jr., *The Civilization of Babylonia and Assyria* (Second Edition), Philadelphia, 1915, pp. 355 and 359–360. J. B. Lippincott Company.

The currency, male and female slaves, everything outstanding, outside and within the city, they divided equally. After they had concluded this settlement of silver, male and female slaves, everything, outside and within the city, from straw to gold, neither shall have a claim against the other. In the name of Shamash, A,[1] Marduk and Hammurapi they swore.[2]

II

A certain Zugagum by name is acknowledged as the son of Sin-abushu and of Ummi-tabat. Sin-abushu, his father, has cleansed his forehead.[3] As long as his father Sin-abushu lives, Zugagum, his son, will support him. For all times, as regards Zugagum, son of Sin-abushu, Nutubtum, the priestess of Shamash, and Nabi-Sin, her brother, the children of Sin-abushu, will not have any claim on Zugagum, their brother. In the name of Shamash, Marduk and the King Sumu-la-ilu,[4] their father Sin-abushu has sworn. If Zugagum should say to his father, Sin-abushu, "thou art not my father," the punishment as in the case of a son shall be imposed upon him.[5]

43. Contracts of Marriage, Divorce, and Adoption [6]

These five contracts are quoted in a translation by G. A. Barton.

I

Rimum, son of Shamkhatum, has taken as a wife and spouse, Bashtum, the daughter of Belizunu, the priestess of Shamash, daughter of Uzibitum. Her bridal present shall be . . . shekels

[1] Consort of the sun god Shamash.

[2] The names of seventeen witnesses are attached to this document, but no specific date. The invocation of King Hammurabi, along with three divinities, attests its antiquity.

[3] *I.e.*, has removed the brand of servitude. The manumission of a slave had the legal aspect of an adoption by the owner.

[4] The second king of the First Dynasty of Babylon.

[5] According to old Sumerian law a rebellious son was to be branded and sold into slavery.

[6] R. F. Harper, *Assyrian and Babylonian Literature*, New York, 1901, pp. 269–272. D. Appleton and Company.

of money. When she receives it she shall be free. If Bashtum to Rimum, her husband, shall say, "Thou art not my husband," they shall strangle her and cast her into the river. If Rimum to Bashtum, his wife, shall say, "Thou art not my wife," he shall pay ten shekels of money as her alimony. They swore by Shamash, Marduk, their king Shamshu-ilu-na, and Sippar.[1]

II

Dagil-ili, son of Zambubu, spoke to Khamma, daughter of Nergal-iddin, son of Babutu, saying: "Give me Latubashinni, thy daughter; let her be my wife." Khamma heard, and gave him Latubashinni, her daughter, as a wife; and Dagil-ili, of his own free-will, gave Ana-eli-Bel-amur, a slave, which he had brought for half a mana of money, and half a mana therewith, to Khamma instead of Latubashinni, her daughter. On the day that Dagil-ili another wife shall take, Dagil-ili shall give one mana of money unto Latubashinni, and she shall return to her place — her former one. Done at the dwelling of Shum-iddin, son of Ishi-etir, son of Sin-damaqu.[2]

III

Nabu-nadin-akhi, son of Bel-akhi-iddin, son of Arad-Nergal, spoke to Shum-ukin, son of Mushallimu, saying: "Give as a wife Ina-Esaggil-banat, thy daughter, the virgin, to Uballit-su-Gula, my son." Shum-ukin hearkened to him, and gave Ina-Esaggil-banat, his virgin daughter, to Uballit-su-Gula, his son. He gave to Nabu-nadin-akhi one mana of money, Latubashinni, Ina-çilli-biti-nakhat, Taslimu, and the outfit for a house with Ina-Esaggil-banat, his daughter, as her dowry.

[1] A contract of marriage dating from the reign of Shamshu-ilu-na, the successor of Hammurabi. The bride was a slave, who gained her freedom by marriage. Her previous servile status doubtless explains why the penalty imposed on her in case she divorced her husband is greater than that imposed on him in case he divorced her.

[2] A contract of marriage dated at Babylon in the thirteenth year of Nebuchadrezzar II (591 B.C.). Marriage by purchase, as here described, was by this time very unusual.

Shum-ukin has given to Nabu-nadin-akhi Nana-kishirat, his slave, toward the one mana of money of the dowry, instead of two thirds of a mana of money, at the full price. Shum-ukin will pay to Nabu-nadin-akhi one third of a mana of money, the balance of one mana, and he shall receive his dowry completed to one mana in what it lacks.[1]

IV

Na'id-Marduk, son of Shamash-balatsu-iqbi, will give, of his own free-will, to Ramua, his wife, and Arad-Bunini, his son, per day four qa of food, three qa of drink; per year fifteen manas of goods, one pi sesame, one pi salt, which is at the store-house. Na'id-Maduk will not increase it. In case she flees to Nergal . . . the flight shall not annul it. Done at the office of Mushezib-Marduk, priest of Sippar.[2]

V

Arad-Iskhara, son of Ibni-Shamash, has adopted Ibni-Shamash. On the day when Arad-Iskhara to Ibni-Shamash, his father, shall say, "Thou art not my father," he shall bind him with a chain and sell him for money. When Ibni-Shamash to Arad-Iskhara, his son, shall say, "Thou art not my son," he shall depart from house and household goods; but a son shall he remain and inherit with his sons.[3]

44. Proverbs [4]

The Assyrian king Ashurbanipal (669–626 B.C.), whom the Greeks called Sardanapalus, built a great palace at Nineveh. It was discovered about the middle of the nineteenth century by Sir Henry Layard, one of the first excavators in the Tigris-Euphrates valley. The palace included two rooms filled with clay tablets, a royal library, indeed, which

[1] A contract of marriage dated in the sixth year of the Babylonian king Nabonidus (549 B.C.). It illustrates marriage with a dowry.

[2] This document, which belongs to the third year of Nabonidus (552 B.C.), seems to be a legal divorce, with alimony granted to the wife.

[3] A Babylonian contract of adoption from before 2000 B.C.

[4] Stephen Langdon, "Babylonian Proverbs," *American Journal of Semitic Languages and Literatures*, vol. xxviii (1912), pp. 219–232 *passim*.

the king had formed to preserve the literary records of Babylonia, as well as official archives of his empire. Subsequent excavations have increased the number of tablets found to about thirty thousand. They are now in the British Museum. The library, among its treasures, contained a collection of proverbs in two languages, arranged as reading lessons for students. The sixteen proverbs below are representative of this collection.

Baseness thou shalt not do, wherefore fear of judgment shall not consume thee.

Words thou shalt not employ falsely.

Evil thou shalt not do, and so an everlasting treasure thou shalt . . . obtain.

If I toil it is seized from me; if I toil even more and again who will repay me?

The strong man lives from the price of his hire, but the weak lives from the price of his children.

He is altogether righteous and good, yet he is clothed in rags.

The face of a walking ox with a lash thou shalt not smite.

The life of day before yesterday to-day is departed.

If the seed corn be not sound it will not produce verdure and create seed.

The city whose weapons are not mighty — from before its city gate the foe shall not be warded off.

If thou goest and carriest away the produce of the field of a stranger, the stranger will come and carry away the produce of thy field.

Friendship is of any day, but posterity is of eternity.

If there be strife in the abode of relations, there is eating of uncleanness in the place of purity.[1]

A ring does not give protection.[2]

Writing is the mother of orators and the father of skilled men.

The ox of a stranger he feedeth, but the ox of his workman mightily he afflicteth.

[1] Strife in a family is here compared to the defiling of a holy place.

[2] A reference to the wearing of amulets.

45. Maxims of Conduct [1]

Ashurbanipal's royal library at Nineveh contained several collections of moral precepts. One of the texts of this character reads as follows:

Thou shalt not slander — speak what is pure!
Thou shalt not speak evil — speak kindly!
He who slanders and speaks evil,
Shamash [2] will visit it on thy head.
Do not speak boastfully — guard thy lip;
If in anger — do not speak out.
Speaking in anger, thou shalt regret it later;
And in silence nurse thy sadness.
Approach thy god daily,
Offering sacrifice and prayer with pure incense,
Before thy god have a pure heart!
Prayer, request and prostration,
Render him each morning,
So that with the help of thy god thou wilt flourish.
Learn wisdom from the tablet.[3]
Fear of [thy] god begets favor,
Offering increases life,
Prayer brings forgiveness of sin.
He who fears the gods will not cry in vain,
He who fears the Anunnaki [4] will lengthen his days.
Speak not evil of thy friend and companion,
Do not speak meanly — speak what is kindly!
If thou promisest give what thou hast promised. . . .
Do not oppress them [5] tyrannically;
His god will be angry with one for this;
It is not pleasing to Shamash — he will requite with evil.
Give food to eat, wine to drink,
Seek what is right, avoid what is wrong,

[1] Morris Jastrow, Jr., *The Civilization of Babylonia and Assyria* (Second Edition). Philadelphia, 1915, pp. 464–465. J. B. Lippincott Company.

[2] The sun god, guardian of justice.

[3] As we would say, "learn from books."

[4] Here used as a synonym for the gods in general.

[5] Perhaps members of the household are referred to here.

This is pleasing to one's god,
Pleasing to Shamash — he will requite it.
Be helpful and kind to the servant,
The maid in the house do thou protect.

46. An Enumeration of Sins [1]

The nine tablets of the *Shurpu* (*i.e.*, "Burning") series set forth various incantations intended to remove bans and curses, particularly those resulting in sickness and disease. Such afflictions might be due to the wrath of a god or a demon, because of committed sins. It was necessary, therefore, for the priestly exorciser first to know with what sort of guilt he had to deal. The second *Shurpu* tablet enumerates no less than one hundred sins, some of them merely ceremonial transgressions, but most of them moral misdemeanors in great variety. Enough of the latter are here quoted to show that in the seventh century B.C., or earlier, the Babylonians and Assyrians entertained relatively advanced conceptions of right and wrong.

Has he estranged the father from his son? Has he estranged the son from his father? Has he estranged the mother from her daughter? Has he estranged the daughter from her mother? Has he estranged the mother-in-law from her daughter-in-law? Has he estranged the daughter-in-law from her mother-in-law? Has he estranged the brother from his brother? Has he estranged the friend from his friend? Has he estranged the companion from his companion? Has he refused to set a captive free, or has he refused to loose one who was bound? Has he shut out a prisoner from the light? Has he said of a captive "Hold him fast," or of one who was bound has he said, "Strengthen his bonds?" Has he committed a sin against a god, or has he committed a sin against a goddess? Has he offended a god, or has he held a goddess in light esteem? Is his sin against his own god, or is his sin against his own goddess? Has he done violence to one older than himself, or has he conceived hatred against an elder brother? Has he held his father and mother in contempt, or has he insulted his elder sister? Has he been generous in small things, but avaricious in great matters? Has he said "yea"

[1] L. W. King, *Babylonian Religion and Mythology*, London, 1899, pp. 218–220. Kegan Paul, Trench, Trubner, and Company, Ltd.

for "nay"? Has he said "nay" for "yea"? Has he spoken of unclean things, or has he counselled disobedience? Has he uttered wickedness? . . . Has he used false scales? . . . Has he accepted a wrong account, or has he refused a rightful sum? Has he disinherited a legitimate son, or has he recognized an illegitimate son? Has he set up a false landmark, or has he refused to set up a true landmark? Has he removed bound, border, or landmark? Has he broken into his neighbour's house? Has he drawn near his neighbour's wife? Has he shed his neighbour's blood? Has he stolen his neighbour's garment?

47. Portents from the Heavens [1]

Astrology arose in Babylonia. The stars, the planets (five of which were distinguished), the sun, the moon, comets, and eclipses were all believed to exert an influence for good or ill on human affairs. The observation of atmospheric conditions, including storms, thunder and lightning, and the movements and shapes of clouds, was added to astrology proper, as another means of determining what the gods, who controlled these conditions likewise, held in store for man. Such divinatory methods had to do almost exclusively with the public welfare, and the kings maintained astrologers and astronomers for the express purpose of watching the heavens. Some typical reports by these officials are quoted below.

When the Moon appears on the first day, there will be silence, the land will be satisfied. When the day is long according to its calculation, there will be a long reign. When the Moon is full the king will go to preëminence.

When the Moon's horns face equally, there will be a secure dwelling for the land. When at the Moon's appearance its horns are pointed, the king wherever his face is set will rule the land, or wherever he presses on will overcome.

When the Sun stands in the place of the Moon, the king of the land will be secure on his throne. When the Sun stands above or below the Moon, the foundation of the throne will be secure; the king will stand in his justice. When the Sun and Moon are invisible, the king of the land will increase wisdom. Last night

[1] R. C. Thompson, *The Reports of the Magicians and Astrologers of Nineveh and Babylon*, London, 1900, vol. ii, pp. xxxiv–lxxxviii *passim*.

Saturn drew near to the Moon. Saturn is the star of the Sun. This is its interpretation; it is lucky for the king. The Sun is the king's star.

When Jupiter appears at the beginning of the year, in that year its corn will be prosperous. Mercury has appeared in [the month of] Nisan. When a planet [or Mercury] approaches Li, the king of Elam will die. When Mars approaches Aries, the people will be widespreading, the land will be satisfied. Mercury appeared in Taurus; it had come down as far as the Pleiades.

When an eclipse happens in the morning watch and it completes the watch, a north wind blowing, the sick in Akkad [1] will recover. When an eclipse begins on the first side and stands on the second, there will be a slaughter of Elam: Guti will not approach Akkad. When an eclipse happens and stands on the second side, the gods will have mercy on the land. When the Moon is dark in [the month of] Siwan, after a year Ramman [2] will inundate. When the Moon is eclipsed in Siwan, there will be flood and the product of the waters of the land will be abundant. When in Siwan an eclipse of the morning watch happens, the temples of the land will be smitten, Samas [3] will be hostile. When an eclipse happens in Siwan out of its time, an all-powerful king will die, and Ramman will inundate; a flood will come and Ramman will diminish the crops of the land; he that goes before the army will be slain.

48. An Augural Calendar [4]

One of the cuneiform tablets from Ashurbanipal's library at Nineveh contains an augural calendar which is complete for Marchesvan, the eighth month of the Babylonian year, and for the thirteenth or intercalary month called Elul II. The calendar seems to be a transcript of a much more ancient Babylonian original, possibly belonging to the age of Hammurabi. It takes up the thirty days of the month in succession and indicates the deity to whom each day is sacred and what sacrifices

[1] Northern Babylonia.
[2] The weather god.
[3] Shamash, the sun god.
[4] Morris Jastrow, Jr., *The Religion of Babylonia and Assyria*, Cambridge, Mass., 1898, pp. 376–377. Harvard University Press.

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or precautionary measures are necessary for each day. The words "an evil day" are particularly applied to the seventh, fourteenth, nineteenth, twenty-first, and twenty-eighth days, and at such times certain prohibitions (the same for all the days) are recorded. The regulations for the first seven days of Elul II read as follows:

For the 1st day of Elul the second,[1] sacred to Anu and Bel, a favorable day. When the moon makes its appearance in this month, the king of many peoples brings his gift, a gazelle together with fruit, . . . his gift to Shamash, lord of the countries, and to Sin, the great god, he gives. Sacrifices he offers, and his prayer to his god is acceptable.

On the 2nd day sacred to goddesses, a favorable day. The king brings his gift to Shamash, the lord of countries. To Sin, the great god, he offers sacrifices. His prayer to the god is acceptable.

On the 3d day, a day of supplication to Marduk and Sarpanitum, a favorable day. At night, in the presence of Marduk and Ishtar, the king brings his gift. Sacrifices he is to offer so that his prayer may be acceptable.

On the 6th day, sacred to Ramman and Belit, a favorable day. The king, with prayer and supplication, at night in the presence of Ramman, offers his gift. Sacrifices he is to bring so that his prayer may be acceptable.

On the 7th day, supplication to Marduk and Sarpanitum, a favorable day.[2] An evil day. The shepherd of many nations[3] is not to eat meat roasted by the fire, or any food prepared by the fire. The clothes of his body he is not to change, fine dress he is not to put on. Sacrifices he is not to bring, nor is the king to ride in his chariot. He is not to hold court nor is the priest to seek an oracle for him in the holy of holies.[4] The physician is not to be brought to the sick room. The day is not suitable for

[1] The Babylonians, who always retained the primitive lunar calendar, were obliged to harmonize it with the solar year by intercalating an extra month at the necessary intervals. As in all lunar calendars, each month began with the visible new moon.

[2] *Sc.*, may it be.

[3] Doubtless a reference to the king.

[4] That part of the temple where the god sat enthroned.

invoking curses.[1] At night, in the presence of Marduk and Ishtar, the king is to bring his gift. Then he is to offer sacrifices so that his prayer may be acceptable.

49. Liver Omens [2]

Hepatoscopy, the reading of signs in the liver, formed the most common method of divination in ancient Babylonia, where it can be traced back to the third millennium before our era. The liver contains so much blood that, in accordance with primitive philosophy, it naturally came to be regarded as the seat of life and of the soul. Babylonian priests used a sheep's liver, which they examined with the greatest care for its fissures, markings, and protuberances, all with mystic meanings. The following selection gives a report of a liver examination ordered by Nabonidus, the last native king of Babylon.

The cystic duct is long — the days of the ruler will be long.

The compass of the hepatic duct is short — the path of man will be protected by his god; god will furnish nourishment to man, or waters will be increased.[3]

The lymphatic gland is normal — good luck.

The lower part of the gall-bladder is firm on the right side, torn off on the left — the position of my army will be strong, the position of the enemy's army endangered. The gall-bladder is crushed on the left side — the army of the enemy will be annihilated, the army of the ruler will gain in power.

The "finger" is well preserved — things will go well for the sacrificer,[4] and he will enjoy a long life.

The papillary appendix is broad — happiness.

The upper surface [5] wobbles — subjection, the man will prevail in court against his opponent.

[1] *I.e.*, upon one's enemies. Most Assyriologists, including Professor Jastrow himself in the later German edition of the work here quoted, make this sentence read: "The day is not suitable for any business." If the latter translation be correct, the seventh day was a veritable Sabbath, in so far as it required abstention from secular activities.

[2] Morris Jastrow, Jr., *Aspects of Religious Belief and Practice in Babylonia and Assyria*, New York, 1911, pp. 187–188. G. P. Putnam's Sons.

[3] Alternative interpretation.

[4] *I.e.*, the king or the inquirer in general.

[5] Of the "finger."

The lower part of the "finger" is loose — my army will gain in power.

The network of markings consists of fourteen well developed meshes — my hands will prevail in the midst of my powerful army.

50. A Curse [1]

A *kudurru*, or boundary stone, recording the gift or sale of landed property, was often set up as a permanent memorial of the transaction. The removal or injury of such landmark was considered a very great injury, and the kings pronounced solemn curses against those who thus set at naught the rights of property in real estate. Nebuchadrezzar I, a twelfth-century Babylonian ruler, has provided us with the following specimen of his minatory eloquence. His inscription was found on a *kudurru* at Nippur.

Whenever, for all days to come for the future of human habitations, be it shepherd or governor, or agent or regent, levy master or magistrate, who overthrows the grant of this field and for the pasture land sends some one and with evil purpose causes it to be seized, stretches out his finger unto evil, under any levy seizes a canal digger, cuts down the plants of an official of canal or land, who makes a claim and takes that field, who gives it away or returns it to the governor and says it is not remaining . . . may Anu, the king, the father of the gods, angrily overthrow him and destroy his life, Ellil, the exalted lord, who decrees the fate of the gods, an evil fate decree for him that calamity, misfortune, and the word of men may oppress him. Ea, king of the ocean, lord of wisdom, take away from him gladness of heart, happiness of mind, abundance and fullness, that lamentation may seize him. Sin, the lord of the crown of splendor, darken his face, that he have no merriment. Shamash and Ramman, the mighty gods, the exalted judges, give him evil plans, and with a judgment of justice and uprightness may they not judge him. Ninib, lord of boundaries and boundary-stones, tear out his boundary stone. Gula, great lady, put lingering illness into his body, that dark and light red blood he may pour out like

[1] R. W. Rogers, *Cuneiform Parallels to the Old Testament* (Second Edition), New York, 1926, pp. 390–392. Abingdon Press.

water. Nusku, mighty lord, powerful burner, the god, my creator, be his evil demon and may he burn his root.

51. An Evil Spirit [1]

The Babylonians and Assyrians inherited from prehistoric times a firm belief in the existence and activities of a host of evil spirits. These caused insanity, sickness, disease, and death — all the ills that afflict mankind. They were given such names as "pestilence," "storm," the "destroyer," the "seizer," and they were often represented under the terrifying shapes of dragons and serpents.

The evil Spirit robbeth . . . and roameth over the land,
The evil Spirit which shroudeth the land as with a garment,
The evil Spirit which against the man angrily . . .
The evil Spirit is a devil which heareth not,
The evil Spirit is a devil which hath no shame,
The evil Spirit is a devil which spawneth evilly,
The evil Spirit which bringeth woe on the land,
The evil Spirit which hunteth over the land,
The evil Spirit which chaseth living beings,
The evil Spirit is a Pestilence which . . .
The evil Spirit which fiercely hunteth the land,
The evil Spirit which fiercely raiseth trouble in the land,
The evil Spirit which receiveth not. . . .
The evil Spirit which draweth up the little ones like fish from the water,
The evil Spirit which casteth down the elders.
The evil Spirit which striketh grayhaired old men and women.

52. Exorcism of an Evil Spirit [2]

This method of exorcising an evil spirit combines aspersion with holy water and the utterance of appropriate charms, or words of power.

Of the goddess Id am I, of the god . . . am I,
A sorcerer that giveth life unto the land,
A potent wizard that patrolleth the city,

[1] R. C. Thompson, *The Devils and Evil Spirits of Babylonia*, London, 1903–1904, vol. ii, pp. 127, 129. Luzac and Company.

[2] R. C. Thompson, *The Devils and Evil Spirits of Babylonia*, London, 1903–1904, vol. i, pp. 19, 21, 23. Luzac and Company.

A sorcerer of Eridu whose mouth is purified am I.
The sick man upon whom sickness hath seized,
Fever hath taken up its seat upon him.
When I draw near unto the sick man,
When I examine the muscles of the sick man,
When I compose his limbs,
When I sprinkle the water of Ea [1] on the sick man,
When I subdue the sick man,
When I bring low the strength of the sick man,
When I recite an incantation over the sick man,
When I perform the Incantation of Eridu,[2]
May a kindly Spirit, a kindly Guardian, be present at my side.
Whether thou art an evil Spirit or an evil Demon,
Or an evil Ghost or an evil Devil,
Or an evil God or an evil Fiend,
Or Hag-demon or Ghoul or Robber Sprite,
Or Phantom of Night or Wraith of Night,
Or Handmaiden of the Phantom,
Or evil pestilence or noisome fever,
Or pain or sorcery or any evil,
Or headache or shivering . . . or terror,
Or an evil man or evil face,
Or evil spell, or evil tongue, or evil mouth, or sorcery, or any evil,
Be thou removed from before me!
By Heaven be thou exorcised! By Earth be thou exorcised!

53. A Medical Letter [3]

The Babylonians and Assyrians did not rely entirely upon magic for the treatment of sickness and disease. Scientific medicine made some progress among them, as is evidenced by the many medical texts that have come down to us. The following letter from Arad-Nana, court physician under Esarhaddon (680–669 B.C.), was in reply to the latter's complaint that Arad-Nana had failed to cure him.

[1] The sea god Ea always enjoyed a high reputation for wisdom; he knew, as no other god did, the rites and charms by which evil spirits could be thwarted.

[2] One of the oldest religious centers of the Sumerians, where Ea had his shrine.

[3] Morris Jastrow, Jr., *The Civilization of Babylonia and Assyria* (Second Edition), Philadelphia, 1915, p. 495. J. B. Lippincott Company.

The king my Lord continues to declare "the state of this sickness of mine thou dost not recognize, thou dost not bring about a cure." Now I confess that hitherto I did not understand this rheumatism,[1] but now I seal this letter to send it to the king my Lord. Let it be read to the king my Lord and properly understood. When it reaches the king my Lord let a physician . . . carry out the accompanying directions. Let the king apply this liniment. If the king does this, this fever will soon leave the king my Lord. A second and a third time this liniment should be applied to the king my Lord. The king must see to this. If it please the king, let it be done in the morning. This disease is in the blood. Let them bring the king *silbani*,[2] as was twice done already, and let it be vigorously done. I shall come to inform myself, and as soon as the perspiration flows freely from the king my Lord, I will send to the king my Lord, something to apply to the king's neck. With a salve which I shall send the king let the king be rubbed at the appointed time.

54. Marduk and Tiamat [3]

The Babylonians had an extensive mythology, which early received literary form. The seven tablets containing their Creation story were discovered in 1875 by George Smith of the British Museum, among the cuneiform documents that had been disinterred from the ruins of Ashurbanipal's library at Nineveh. The tablets are Assyrian copies, made in the seventh century B.C., of Babylonian originals probably dating from the close of the third millennium B.C. The third and fourth tablets are nearly entire, but the others are in a more or less fragmentary condition. The original narrative extended to about one thousand lines, of which about two thirds have been recovered. This narrative was termed *Enuma elish* ("When in the height"), from the opening words of the text. It begins by recounting the origin of all things in watery chaos, represented by the pair Apsu and Tiamat, whose "waters were mingled together." From the union of these two primeval beings, standing for the as yet unordered universe, spring other cosmological figures, who, in turn, give birth to Anu, the heaven god, Ea, the water god, and other gods of order. Apsu and Tiamat, seeing their peace threatened by these

[1] Literally, "sickness of the muscles."

[2] A liniment or a massage treatment seems to be indicated.

[3] L. W. King, *The Seven Tablets of Creation*, London, 1902, vol. i, pp. 71–77. Luzac and Company.

deities, plan to destroy them. Marduk, son of Ea, now appears as the hero of the story. It is he who, when the other gods draw back in dismay before Tiamat, steps forth as their champion and overcomes the she-dragon, together with the host of monsters that formed her cohorts. The latter part of the fourth tablet of the series, describing the terrific combat between Marduk and Tiamat, is quoted below.

Then advanced Tiamat and Marduk, the counsellor of the gods;
To the fight they came on, to the battle they drew nigh.
The lord spread out his net and caught her,
And the evil wind that was behind him he let loose in her face.
As Tiamat opened her mouth to its full extent,
He drove in the evil wind, while as yet she had not shut her lips.
The terrible winds filled her belly,
And her courage was taken from her, and her mouth she opened wide.
He seized the spear and burst her belly,
He severed her inward parts, he pierced her heart.
He overcame her and cut off her life;
He cast down her body and stood upon it.
When he had slain Tiamat, the leader,
Her might was broken, her host was scattered.
And the gods her helpers, who marched by her side,
Trembled, and were afraid, and turned back.
They took to flight to save their lives;
But they were surrounded, so that they could not escape.
He took them captive, he broke their weapons;
In the net they were caught and in the snare they sat down.
The . . . of the world they filled with cries of grief.
They received punishment from him, they were held in bondage.
And on the eleven creatures which she had filled with the power of striking terror,
Upon the troop of devils, who marched at her . . . ,
He brought affliction, their strength he . . . ;
Them and their opposition he trampled under his feet.
Moreover, Kingu,[1] who had been exalted over them,

[1] Kingu was Tiamat's second husband. Her first husband, Apsu, had been slain by Ea.

He conquered, and with the god Dug-ga [1] he counted him.
He took from him the Tablets of Destiny that were not rightly his,
He sealed them with a seal and in his own breast he laid them.
Now after the hero Marduk had conquered and cast down his enemies,
And had made the arrogant foe even like . . . ,
And had fully established Ansar's [2] triumph over the enemy,
And had attained the purpose of Nudimmud,[2]
Over the captive gode he strengthened his durance,
And unto Tiamat, whom he had conquered, he returned.
And the lord stood upon Tiamat's hinder parts,
And with his merciless club he smashed her skull.
He cut through the channels of her blood,
And he made the North wind bear it away into secret places.
His fathers beheld, and they rejoiced and were glad;
Presents and gifts they brought unto him.
Then the lord rested, gazing upon her dead body,
While he divided the flesh of the . . . , and devised a cunning plan.
He split her up like a flat fish into two halves;
One half of her he stablished as a covering for heaven.[3]
He fixed a bolt, he stationed a watchman,
And bade them not to let her waters come forth.
He passed through the heavens, he surveyed the regions thereof,
And over against the Deep he set the dwelling of Nudimmud.
And the lord measured the structure of the Deep,
And he founded E-sara, a mansion like unto it,
The mansion E-sara which he created as heaven,
He caused Anu, Bel, and Ea in their districts to inhabit.

[1] A name of Nergal, god of the dead.

[2] Ansar and Nudimmud were two of the elder deities who had deputed Marduk to fight for them.

[3] As a firmament to restrain the waters of the celestial heaven.

55. The Making of Man [1]

The sixth tablet of the Creation series discovered by George Smith referred to Marduk's creation of man, in order that the gods might have worshipers on earth. Unfortunately, only the beginning and the end of this tablet are preserved. It is therefore of extreme interest to learn that German excavations on the site of Ashur (Kalat-Sherkat), the old capital of Assyria, have recovered large portions of the Creation narrative, several centuries older than the tablets from Ashurbanipal's library and in some respects reflecting an earlier form of the myth. Publication of the Ashur tablets began in 1919. One of them contains nearly all the text of the sixth tablet of the original series and sets forth a complete account of the making of man in the opening lines.

When Marduk heard the words of the gods,
His heart prompted him as he devised clever things.
He opened his mouth speaking unto Ea,
That which he conceived in his heart, giving him counsel.
"Blood will I construct, bone will I cause to be.
Verily I will cause Lilu [2] to stand forth, verily his name is man.
I will create Lilu, man.
Verily let the cult services of the gods be imposed, and let them be pacified.
I will moreover skilfully contrive the ways of the gods.
All together let them be honoured and may they be divided into two parts." [3]
Ea replied to him, speaking to him a word;
For the pacification of the gods he imparted to him a plan:
"Let one of their brothers be given.
He shall perish and men be fashioned.
Let the great gods assemble,
Let this one be given and as for them may they be sure of it."
Marduk assembled the great gods,
Kindly he ordered them giving instruction.
He opened his mouth charging the gods,

[1] Stephen Langdon, *The Babylonian Epic of Creation*, Oxford, 1923, pp. 165–169. Clarendon Press.

[2] Man.

[3] Referring to a division of the gods of the lower world and the upper world into two groups.

The king speaking a word to the Anunnaki.[1]
"Verily the former thing which we foretold to you is become true,
Swearing true oaths by myself.
Who was it that made war?
That caused Tiamat to revolt and joined battle?
Let him that made war be given.
I will cause him to bear his transgression, but dwell ye in peace."
The Igigi, the great gods, replied,
Unto Lugal-dimmer-anki,[2] counsellor of the gods, their lord.
"It was Kingu[3] that made war;
That caused Tiamat to revolt and joined battle."
They bound him and brought him before Ea,
Punishment they imposed upon him, they severed the arteries of his blood.
With his blood he[4] made mankind,
In the cult service of the gods, and he set the gods free.

56. A Deluge Myth[5]

The Babylonian tradition of a Deluge had been known for centuries, since it was recorded in Greek by the priest and historian Berossos, portions of whose writings are still extant. Modern scholars have now recovered the original cuneiform version, from the long-lost archives of ancient Assyria. In 1872 George Smith, while working among the British Museum tablets from Ashurbanipal's library at Nineveh, came upon the fragments of a tablet which, when laboriously pieced together, presented a Deluge story resembling the Old Testament narrative. The interest excited by Smith's discovery was so great that a London newspaper, the *Daily Telegraph*, sent him to Nineveh, where he was fortunate enough to find still other parts of the same story. The tablets containing it date only from the seventh century B.C., but like other tablets in the royal library they are copies of far more ancient texts. This Deluge myth, as we have it, is not an independent narrative, but

[1] The highest gods of the pantheon.

[2] Title of Marduk, "King of the gods of heaven and earth."

[3] The husband of the arch-rebel Tiamat.

[4] Ea, apparently. Marduk seems to have had, originally, no connection with this legend of the creation of man from the blood of Kingu.

[5] R. W. Rogers, *Cuneiform Parallels to the Old Testament* (Second Edition), New York, 1926, pp. 94–98. Abingdon Press.

forms an episode of the Gilgamesh epic, the longest and most important poem of Babylonian literature that has been preserved to us. It describes the friendship and adventures of the heroes Gilgamesh and Engidu (a name formerly read as Eabani) and the search by Gilgamesh for immortality, after the death of his friend. The epic belongs probably to the third millennium B.C., but the Deluge myth now incorporated in it may well be of even greater antiquity. In fact, a fragmentary version of the same story, written in Sumerian, the non-Semitic language of the people who preceded the Semites in Babylonia, has been recently found by American excavators on the site of the ancient and holy city of Nippur. This version, judging from the character of the script, must have been written about the time of Hammurabi, that is, about 2100 B.C. By this time, however, the Sumerians had almost ceased to exist as a separate people, having been absorbed in the Semitic population, and their language was already dead. The later Semitic version, which George Smith discovered and which is partly reproduced below, is contained in the eleventh book of the Gilgamesh epic. It seems to have been inserted there because the eleventh month of the Babylonian calendar, according to which the poem was arranged, was called the " month of the curse of rain." The myth is recited to Gilgamesh by his ancestor Ut-napishtim, the Babylonian Noah, in two hundred and five lines.

When the first flush of dawn appeared,
There came up from the horizon a black cloud.
Adad thundered within it,
While Nebo and Sharru [1] went before.
They go as messengers over mountain and valley.
Nergal tore away the foundations.[2]
Ninib advances, the storm he makes to descend.
The Anunnaki [3] lifted up their torches,
With their brightness they light up the land.
Adad's storm reached unto heaven,
All light was turned into darkness,
It flooded the land like. . . .
One day the deluge . . .
Raged high, the waters covered the mountains,
Like a besom of destruction they brought it upon men,

[1] Marduk.

[2] The earth is here represented as a building. Compare *Job*, xxxviii, 4–7.

[3] A collective name for the highest gods.

No man beheld his fellow,
No more were men recognized in heaven.
The gods feared the deluge,
They drew back, they climbed up to the heaven of Anu.
The gods crouched like a dog, they cowered by the walls.
Ishtar cried like a woman in travail,
Loudly cried the queen of the gods with her beautiful voice,
"The former time is turned into clay,
Since I commanded evil in the assembly of the gods.
Because I commanded evil in the assembly of the gods,
For the destruction of my people did I command battle?
Did I alone bring forth my people
That they like the spawn of fish fill the sea?"
The gods of the Anunnaki wept with her,
The gods sat bowed and weeping;
Covered were their lips . . .
Six days and six nights
Blew the wind, the deluge and the tempest overwhelmed the land.
When the seventh day drew nigh, the tempest spent itself in the battle,
Which it had fought like an army.
Then rested the sea, the storm fell asleep, the flood ceased.
I looked upon the sea, there was silence come,
And all mankind was turned to clay.
Like a roof the plain lay level,
I opened the window and the light fell upon my face,
I bowed, I sat down, I wept,
And over my face ran my tears.
I looked in all directions, terrible was the sea.
After twelve days, an island arose.
To the land of Nisir [1] the ship made its way,
The mount of Nisir held it fast, that it moved not.
One day, a second day did the mount of Nisir hold it, that it moved not.
A third day, a fourth day did the mount of Nisir hold it, that it moved not.

[1] This name probably means "salvation."

A fifth day, a sixth day did the mount of Nisir hold it, that it moved not.
When the seventh day approached,
I sent forth a dove and let her go.
The dove flew away and came back,
For there was no resting place and she returned.
I sent forth a swallow and let her go,
The swallow flew away and came back,
For there was no resting place, and she returned.
I sent forth a raven and let her go,
The raven flew away, she saw the abatement of the waters,
She drew near, she waded, she croaked and came not back.[1]
Then I sent everything forth to the four quarters of heaven, I offered sacrifice,
I made a libation upon the mountain's peak.
By sevens I set out the sacrificial vessels,
Beneath them I heaped up reed and cedar wood and myrtle.
The gods smelt the savor,
The gods smelt the sweet savor,
The gods gathered like flies over the sacrificer.

57. The "Land of No-return" [2]

Aralu, the Babylonian underworld, was not a hell or even a purgatory. It was, like the Hebrew Sheol and the Greek Hades, a gloomy "land of No-return," to which both saint and sinner went for a cheerless existence after death. An ancient poem, preserved on a tablet now in the British Museum, tells how the mother goddess, Ishtar, descended to Aralu in quest of her dead spouse or lover, Tammuz. The opening lines of the poem are here quoted.

To the land of No-return, the region that is dark,
Ishtar, the daughter of Sin,[3] directed her thought,
The daughter of Sin directed her thought,

[1] In the Biblical account of the Noachian Deluge a raven is first sent forth from the Ark and then a dove three times. See *Genesis*, viii, 7–12.

[2] R. W. Rogers, *Cuneiform Parallels to the Old Testament* (Second Edition), New York, 1926, p. 121. Abingdon Press.

[3] The moon god.

To the house of darkness, Irkalla's [1] dwelling place,
To the house from which he who enters never returns,
To the road whose path turns not back.
To the house where he who enters is deprived of light,
Where dust is their sustenance, their food clay,
Light they see not, in darkness do they sit,
They are clothed like a bird, with wings as a covering,
Over door and bolt is spread the dust.

58. A Penitential Psalm [2]

Babylonian religious literature contains many so-called penitential psalms, in which a suppliant implores the gods to turn aside their anger from him and restore him to favor. The recitation of these litanies seems to have been the business of a special class of priests. The following psalm is addressed to Ishtar.

He raises to thee a wail;
He raises to thee a wail;
On account of his face which for tears is not raised, he raises to thee a wail;
On account of his feet on which fetters are laid, he raises to thee a wail;
On account of his hand, which is powerless through oppression, he raises to thee a wail;
On account of his breast, which wheezes like a bellows, he raises to thee a wail;
O lady, in sadness of heart I raise to thee my piteous cry, "How long?"
O lady, to thy servant — speak pardon to him, let thy heart be appeased!
To thy servant who suffers pain — favor grant him!
Turn thy gaze upon him, receive his entreaty!
To thy servant with whom thou art angry — be favorable unto him!
O lady, my hands are bound, I turn to thee!

[1] Another name for the underworld.

[2] G. A. Barton, *Archæology and the Bible* (Third Edition), Philadelphia, 1920, p. 399. American Sunday-School Union.

For the sake of the exalted warrior, Shamash, thy beloved husband, take away my bonds!
Through a long life let me walk before thee!
My god brings before thee a lamentation; let thy heart be appeased!
My goddess utters to thee a prayer, let thy anger be quieted!
The exalted warrior, Anu, thy beloved spouse, — may he present my prayer to thee!
Shamash, god of justice, — may he present my prayer to thee!
The exalted servant, — may he present my prayer to thee!
The mighty one of Ebarbar, — may he present my tears to thee!
"Thine eye turn truly to me," may he say to thee!
"Thy face turn truly to me," may he say to thee!
"Let thy heart be at rest," may he say to thee!
"Let thy anger be pacified," may he say to thee!
Thy heart, like the heart of a mother who has brought forth, may it rejoice!
Like a father who has begotten a child, may it be glad!

59. Prayer of Ashurbanipal to Nebo [1]

Nebo or Nabu, who started out as a local deity, the patron of Borsippa (opposite Babylon), became in time associated with the Babylonian Marduk as the latter's son and prophet. Nebo was the god of wisdom and particularly the god of writing, an invention which he communicated to mankind. The Assyrian king Ashurbanipal, the founder of a great library at Nineveh, makes frequent reference to Nebo as the one who inspired him with the idea of collecting the literary productions of the past.

For Nebo, the perfect son, regulator of all things in heaven and earth, him that holds the tablet of wisdom, carrier of the stylus of fate, that lengthens days, giver of life to the dead, bringer of light to afflicted peoples, the great ruler, the royal Ashurbanipal the prince, favourite of Ashur, Marduk and Nebo, the shepherd, care-taker of the shrines of the great gods, establisher of their offerings, son of Esarhaddon, king of the universe, king of Assyria, grandson of Sennacherib, king of the universe, king of Assy-

[1] Stephen Langdon, *Sumerian and Babylonian Psalms*, Paris, 1909, p. 179. Paul Geuthner.

ria, that his soul may live, for length of days and health of body, to secure the throne of his kingdom, that his prayers be heard, that his petition be received, that his foes be placed in his power, the wisdom of Ea, the art of song, the treasures of science, which are designed to pacify the hearts of the great gods, according to the tablets, whose copies are in Assyria and Akkad, upon tablets I wrote, I examined and proved, and in the library of Ezida, the temple of Nebo in Nineveh, . . . I placed. Forever, O Nebo, king of all heaven and earth, look gladly upon this library; of Ashurbanipal, . . . reverencer of thy dignity, daily grant the request. Command that he live; may he extol thy great divinity.

60. Prayer of Nebuchadrezzar II to Marduk [1]

The East India House inscription is engraved on a column of black basalt, which was found in the ruins of Babylon. It contains the name and titles of Nebuchadrezzar II and a record of all the public works which he undertook for the improvement of his capital. The inscription, like others of this pious monarch, closes with a prayer.

O Marduk,[2] lord, [wisest] of the gods, great and powerful, thou hast created me and unto royal power over all peoples thou hast appointed me. As my own precious life I love thy pure form; above thy city Babylon among all habitations I have adorned no city. Even as I have loved the fear of thy divinity I have been regardful of thy lordship. Bless the lifting up of my hand, hear my petition. Truly I am a king who cares, who gladdens thy heart, truly an active official caring for all thy city. Thy command, O dear Marduk, hath created this house; may it grow old unto distant time. May I enjoy its plenty. In it may I attain unto gray hairs and enjoy posterity. May I receive in it the heavy tribute of the kings of all quarters, yea of all mankind.

[1] Stephen Langdon, *Building Inscriptions of the Neo-Babylonian Empire*, Paris, 1905, pt. i, p. 141. Ernest Leroux.

[2] The solar deity Merodach, or Marduk, was the patron god of Babylon. When that city became supreme in the Euphrates valley, Marduk naturally took a place at the head of the pantheon. His exaltation began as early as the time of Hammurabi, but it was most marked during the reign of Nebuchadrezzar II (604–561 B.C.).

From the horizon to the zenith where the sun arises may there be no enemy, may I have no foe. Within it may my descendants forever rule the dark-headed peoples.[1]

61. Identification of the Great Gods [2]

The late Babylonian tablet translated below has been the subject of much controversy. Some scholars consider it to represent an approach to monotheism, or at least a latent monotheism; while others interpret it as an expression of henotheism. It illustrates, at any rate, the growing tendency on the part of priestly speculators to simplify their cumbrous pantheon by boldly identifying the chief deity, Marduk, with no less than fourteen great gods, who are merely forms under which Marduk manifests his divine self to man.

Urash is Marduk of planting.
Lugal-a-ki is Marduk of the deep.
Nin-Urta is Marduk of strength.
Nergal is Marduk of war.
Zamama is Marduk of battle.
Ellil is Marduk of rule and government.
Nabu is Marduk of riches.
Sin is Marduk as illuminator of the night.
Shamash is Marduk of justice.
Adad is Marduk of rain.
Tishkhu is Marduk of troops.
Galm is Marduk of. . . .
Shukamunu is Marduk of the clay vessel.
. . . is Marduk of the conduit.

[1] A name for the inhabitants of Babylonia; also used in general for mankind.

[2] R. W. Rogers, *Cuneiform Parallels to the Old Testament* (Second Edition), New York, 1926, pp. 193–194. Abingdon Press.

SECTION III

PHŒNICIANS

62. The Moabite Stone [1]

This monument of basalt, now in the Louvre, was found in 1868 on the site of the ancient Moabite city of Dibon (modern Diban), east of the Dead Sea. It bears an inscription of Mesha, king of Moab (mentioned in 2 *Kings*, iii, 4), recording his victory over Israel, to whom Moab had long been subject. The period referred to is about 850 B.C., the period of Omri and Ahab, of Elijah and Elisha, and of Jehu. The inscription consists of thirty-four lines. It is written in the ancient Phœnician script, used not only by Moab but also by Israel. The last four lines are so mutilated as to be almost unintelligible.

I am Mesha, son of Chemosh, king of Moab, the Daibonite. My father reigned over Moab for thirty years, and I reigned after my father. And I made this high-place for Chemosh [2] in Kerekhoh a high-place of salvation, because he had saved me from all assailants, and because he had let me see my pleasure upon all them that hated me. Omri was king of Israel, and he afflicted Moab for many days, for Chemosh was being angry with his land. And his son [3] succeeded him, and he also said, "I will afflict Moab." In my days said he thus, and I saw my pleasure on him and his house. And Israel perished with an everlasting destruction; now Omri had taken possession of the land of Mehdeba. And [Israel] dwelt therein his days and half the days of his son, forty years; and Chemosh restored it [4] in my days. And I built Baal-Meon, and I made in it the reservoir; and I built Kiryathen. Now the men of Gad had dwelt in the land of Ataroth from of old; and the king of Israel built for himself Ataroth. And I warred against the city and seized it. And I slew all the people of the city, a gazing-stock to Chemosh and to

[1] *Cambridge Ancient History*, Cambridge, 1925, vol. iii, pp. 372–373. Translated by S. A. Cook. University Press.

[2] The national god of Moab.

[3] *I.e.*, Ahab.

[4] Mehdeba.

Moab. And I captured thence the altar-hearth of Dawdoh and I dragged it before Chemosh in Keriyyoth. And I settled therein the men of Sheren and the men of Makharath. And Chemosh said unto me, "Go seize Nebo against Israel." And I went by night and warred against it from the break of dawn until noon. And I seized it, and slew all of it, 7,000 men and male sojourners [1] and women and female sojourners and maidens. For to Ashtor-Chemosh had I devoted it. And I took thence the vessels of Yahweh,[2] and I dragged them before Chemosh. Now the king of Israel had built Yahas, and dwelt in it, when he warred against me. And Chemosh drove him out from before me; and I took of Moab 200 men, all its chiefs. And I brought it [3] against Yahas, and seized it, to add it unto Daibon. I built Kerekhoh, the wall of the Woods and the wall of the Mound. And I built its gates, and I built its towers. And I built the king's house, and I made the two reservoirs for water in the midst of the city. Now there was no cistern in the midst of all the city, in Kerekhoh; and I said to all the people, "Make you every man a cistern in his house." And I cut out the cutting for Kerekhoh with the prisoners of Israel. And I built Aroer, and I made the highway by the Arnon. I built Beth-Bamoth, for it was overthrown. I built Beser, for ruins had it become. And the chiefs of Daibon were fifty, for all Daibon was obedient. And I reigned over an hundred chiefs in the cities which I added to the land. And I built Mehdeba and Beth-Diblathen. And Beth-Baal-Meon; and I took thence the sheep-masters, . . . the sheep of the land. And as for Horonen, there dwelt therein . . . and Chemosh said unto me, "Go down, fight against Horonen." And I went down . . . and Chemosh restored it in my days.

63. Inscription of a King of Gebal [4]

The oldest Phœnician inscription yet found in Phœnicia itself is on a limestone stele unearthed in 1869 at Gebal (the Greek Byblus). The

[1] Resident aliens.

[2] The earliest instance of the Divine Name ("Jehovah") in this spelling outside of the Old Testament.

[3] *I.e.*, them.

[4] G. A. Cooke, *A Text-book of North-Semitic Inscriptions*, Oxford, 1903, pp. 18–19. Clarendon Press.

monument dates from the fifth century B.C., when Phœnicia was a Persian province. It bears at the top a representation of the king of Gebal, standing in a reverent attitude before his goddess, — doubtless Astarte (Ashtart), to whom the city of Gebal was specially sacred. Below is the inscription, which shows some correspondence in both language and ideas to various psalms of the Old Testament.

I am Yehaw-milk, king of Gebal, son of Yehar-ba'al, grandson of Uri-milk, king of Gebal, whom the lady, mistress of Gebal, made king over Gebal; and I invoke my lady, mistress of Gebal, for she hears my voice. And I make for my lady, mistress of Gebal, this altar of bronze which is in this court, and this engraved work of gold which is over against this engraved work of mine, and the uræus of gold which is in the midst of the stone, which is above this engraved work of gold, and this portico and its pillars and the . . . which are upon them and its roof do I, Yehaw-milk, king of Gebal, make to my lady, mistress of Gebal; inasmuch as I invoked my lady, mistress of Gebal, she has heard my voice and done kindness to me. May the mistress of Gebal bless Yehaw-milk, king of Gebal, and grant him life and prolong his days, and his years over Gebal, for he is a righteous king![1] And may the lady, mistress of Gebal, give him favour in the eyes of the gods and in the eyes of the people of this land and the favour of the people of the land!

64. Inscription of a King of Sidon[2]

The following epitaph is on the sarcophagus of Eshmun-'azar II, found at Sidon and now in the Louvre. The king's death may have occurred about 275 B.C., though some authorities place it much earlier, in the Persian period.

In the month Bul, in the fourteenth year 14 of the reign of king Eshmun-'azar, king of the Sidonians, son of king Tabnith, king of the Sidonians, spake king Eshmun-'azar, king of the Sidonians, saying, I have been seized before my time, the son of a short number of days . . . , an orphan, the son of a widow; and I lie

[1] *Cf. Psalms*, lxxii.

[2] G. A. Cooke, *A Text-book of North-Semitic Inscriptions*, Oxford, 1903, pp. 31–32. Clarendon Press.

in this coffin and in this grave, in the place which I built. I adjure every prince and every man that they open not this resting-place, nor seek with me jewels, for there are no jewels with me there, nor take away the coffin of my resting-place, nor carry me from this resting-place and lay me on a second resting-place! Yea, if men speak to thee, do not listen to their words. For every prince and every man who shall open this resting-place, or who shall take away the coffin of my resting-place, or who shall carry me from this resting-place, may they have no resting-place with the Shades, nor be buried in a grave, nor have son or seed in their stead; and may the holy gods deliver them up to a mighty prince who shall rule over them, to cut off that prince or man who shall open this resting-place, or who shall take away this coffin, and the seed of that prince or of those men! May they have no root downwards or fruit upwards, nor any comeliness among the living under the sun! For I am to be pitied; I have been seized before my time, the son of a short number of days . . . , an orphan, the son of a widow was I. . . . I adjure every prince and every man that they open me not, nor uncover me, nor carry me from this resting-place, nor take away the coffin of my resting-place, lest these holy gods deliver them up, and cut off that prince and those men, and their seed, for ever! [1]

65. The "Phœnician" Alphabet [2]

The Greeks always believed that their alphabet came to them from Phœnicia. Proofs of such transmission are, first, the close resemblance, almost amounting to identity, between the forms of the archaic Greek letters and the Phœnician letters; second, the order of the letters; and lastly, the names of the letters, which have no meaning in Greek, but in Phœnician, Hebrew, and all other Semitic languages are significative of the objects they were originally intended to represent. The "Phœnician" alphabet seems to have reached the Ionians of Asia Minor as early as 900 B.C., but its use remained extremely rare until the opening of the seventh century B.C. The Greeks, in matters alphabetical, were not simple copyists. By transforming the Semitic system of signs for breaths

[1] To violate a grave was the greatest indignity that could be offered to the dead.

[2] Herodotus, v, 58. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. iii, pp. 256–257. John Murray.

and stops into vowels, they developed for the first time a script with a letter for every sound. On it all subsequent European alphabets were based.

Now the Phœnicians who came with Cadmus [1] . . . introduced into Greece upon their arrival a great variety of arts, among the rest that of writing, whereof the Greeks till then had, as I think, been ignorant. And originally they shaped their letters exactly like all the other Phœnicians, but afterwards, in course of time, they changed by degrees their language, and together with it the form likewise of their characters. Now the Greeks who dwelt about those parts at that time were chiefly the Ionians. The Phœnician letters were accordingly adopted by them, but with some variation in the shape of a few, and so they arrived at the present use, still calling the letters Phœnician, as justice required, after the name of those who were the first to introduce them into Greece. Paper rolls also were called from of old "parchments" by the Ionians, because formerly when paper was scarce [2] they used, instead, the skins of sheep and goats — on which material many of the barbarians are even now wont to write.

66. Phœnician Piracy [3]

The Phœnicians, after the downfall of the sea-kings of Crete, carried on for several centuries a considerable trade with the islands and coasts of the Ægean. Homer represents them as the typical traders. He mentions only the men of Sidon, omitting the younger Tyrians. To him all Phœnicians were Sidonians, just as to later Greeks all Persians were "Medes." The commerce of the Phœnicians seems to have had in it a large element of piracy, and the kidnapping of slaves formed one of their most profitable operations. This practice is referred to in the *Odyssey*, in the story told by the swineherd Eumæus to his master Odysseus.

"There is a certain isle called Syria,[4] if haply thou hast heard tell of it, over above Ortygia,[4] and there are the turning-places

[1] In Greek legend a Phœnician king who founded the city of Thebes in Bœotia.

[2] That is, before the establishment of a regular commerce in papyrus with Egypt.

[3] *Odyssey*, xv, 403–484. S. H. Butcher and Andrew Lang, *The Odyssey of Homer*, London, 1879, pp. 253–255. Macmillan and Company, Ltd.

[4] These islands have a mythical character.

of the sun.[1] It is not very great in compass, though a goodly isle, rich in herds, rich in flocks, with plenty of corn and wine. Dearth never enters the land, and no hateful sickness falls on wretched mortals. But when the tribes of men grow old in that city, then comes Apollo of the silver bow, with Artemis, and slays them with the visitation of his gentle shafts. In that isle are two cities, and the whole land is divided between them, and my father was king over the twain, Ctesius son of Ormenus, a man like to the Immortals.

"Thither came the Phœnicians, mariners renowned, greedy merchant men, with countless gauds in a black ship. Now in my father's house was a Phœnician woman, tall and fair and skilled in bright handiwork; this woman the Phœnicians with their sleights beguiled. First as she was washing clothes, one of them . . . asked her who she was and whence she came, and straightway she showed him the lofty home of my father, saying:

"'From out of Sidon[2] I avow that I come, a land rich in bronze, and I am the daughter of Arybas, the deeply wealthy. But Taphians,[3] who were sea-robbers, laid hands on me and snatched me away as I came in from the fields, and brought me hither and sold me into the house of my master, who paid for me a goodly price.'

"Then the man . . . answered: 'Say, wouldst thou now return home with us, that thou mayst look again on the lofty house of thy father and mother and on their faces? For truly they yet live, and have a name for wealth.'

"Then the woman answered him and spake, saying: 'Even this may well be, if ye sailors will pledge me an oath to bring me home in safety.'

"So spake she, and they all swore thereto as she bade them. Now when they had sworn and done that oath, again the woman spake among them and answered, saying:

"'Hold your peace now, and let none of your fellows speak to me and greet me, if they meet me in the street, or even at the

[1] *I.e.*, where the sun turns back from the west.

[2] Sidon was one of the chief cities of Phœnicia.

[3] Inhabitants of Taphos, an island off the coast of Acarnania.

well, lest one go and tell it to the old man at home, and he suspect somewhat and bind me in hard bonds and devise death for all of you. But keep ye the matter in mind, and speed the purchase of your homeward freight. And when your ship is freighted with stores, let a message come quickly to me at the house; for I will likewise bring gold, all that comes under my hand. Yea and there is another thing that I would gladly give for my fare. I am nurse to the child of my lord in the halls, a most cunning little boy, that runs out and abroad with me. Him would I bring on board ship, and he should fetch you a great price, wheresoever ye take him for sale among men of strange speech.'

"Therewith she went her way to the fair halls. But they abode among us a whole year, and got together much wealth in their hollow ship. And when their hollow ship was now laden to depart, they sent a messenger to tell the tidings to the woman. There came a man versed in craft to my father's house, with a golden chain strung here and there with amber beads. Now the maidens in the hall and my lady mother were handling the chain and gazing on it, and offering him their price; but he had signed silently to the woman, and therewithal gat him away to the hollow ship. Then she took me by the hand and led me forth from the house. And at the vestibule of the house she found the cups and the tables of the guests that had been feasting, who were in waiting on my father. They had gone forth to the session and the place of parley of the people. And she straightway hid three goblets in her bosom, and bare them away, and I followed in my innocence. Then the sun sank and all the ways were darkened. And we went quickly and came to the good haven, where was the swift ship of the Phœnicians. So they climbed on board and took us up with them, and sailed over the wet ways, and Zeus sent us a favouring wind. For six days we sailed by day and night continually; but when Zeus, son of Cronos, added the seventh day thereto, then Artemis, the archer, smote the woman that she fell, as a sea-swallow falls, with a plunge into the hold.[1] And they cast her forth to be the prey of seals and fishes, but I

[1] Artemis was sometimes regarded as a deity who slew persons, especially women, with her deadly arrows. A sudden and mysterious death would be so explained.

was left stricken at heart. And wind and water bare them and brought them to Ithaca, where Laërtes [1] bought me with his possessions. And thus it chanced that mine eyes beheld this land."

67. Commerce of Tyre [2]

Ezekiel's prophecy against Tyre was composed in 586 B.C., on the eve of the thirteen years' siege of the city by the Babylonian monarch, Nebuchadrezzar II. The ground of the prophet's fierce hatred of Tyre is not wholly clear; doubtless he regarded it as an embodiment of a heathen cult and an anti-Israelitish civilization and, as such, dangerously seductive for his people. Ezekiel's description of Tyrian commerce forms a valuable historical document, though the text, unfortunately, is very corrupt.

Thou, O Tyre, hast said:
I am of perfect beauty.
Thy borders are in the heart of the seas,
Thy builders have perfected thy beauty.
Of cypress-trees from Senir have they fashioned
All thy planks;
They have taken cedars from Lebanon
To make masts for thee.
Of the oaks of Bashan
Have they made thine oars;
Thy deck have they made of ivory inlaid in larch,
From the isles of the Kittites.
Of fine linen with richly woven work from Egypt
Was thy sail,
That it might be to thee for an ensign;
Blue and purple from the isles of Elishah
Was thine awning.
The inhabitants of Sidon and Arvad
Were thy rowers;
Thy wise men, O Tyre, were in thee,
They were thy pilots.
The elders of Gebal and the wise men thereof

[1] Father of Odysseus.
[2] *Ezekiel*, xxvii, 3–25.

Were in thee thy calkers;
All the ships of the sea with their mariners were in thee
To exchange thy merchandise.
Persia and Lud and Put were in thine army,
Thy men of war;
They hanged the shield and helmet in thee,
They set forth thy comeliness.

The men of Arvad and Helech were upon thy walls round about, and the Gammadim were in thy towers; they hanged their shields upon thy walls round about; they have perfected thy beauty. Tarshish was thy merchant by reason of the multitude of all kinds of riches; with silver, iron, tin, and lead, they traded for thy wares. Javan, Tubal, and Meshech, they were thy traffickers; they traded the persons of men and vessels of brass for thy merchandise. They of the house of Togarmah traded for thy wares with horses and horsemen and mules. The men of Dedan were thy traffickers; many isles were the mart of thy hand; they brought thee as tribute horns of ivory and ebony. Aram was thy merchant by reason of the multitude of thy wealth; they traded for thy wares with carbuncles, purple, and richly woven work, and fine linen, and coral, and rubies. Judah, and the land of Israel, they were thy traffickers; they traded for thy merchandise wheat of Minnith, and balsam, and honey, and oil, and balm. Damascus was thy merchant for the multitude of thy wealth, by reason of the multitude of all riches, with the wine of Helbon, and white wool. Vedan and Javan traded with yarn for thy wares; massive iron, cassia, and calamus were among thy merchandise. Dedan was thy trafficker in precious cloths for riding. Arabia, and all the princes of Kedar, they were the merchants of thy hand; in lambs, and rams, and goats, in these were they thy merchants. The traffickers of Sheba and Raamah, they were thy traffickers; they traded for thy wares with chief of all spices, and with all precious stones, and gold. Haran and Canneh and Eden, the traffickers of Sheba, Asshur was as thine apprentice in traffic. These were thy traffickers in gorgeous fabrics, in wrappings of blue and richly woven work, and in chests of rich apparel, bound with cords and cedar-lined, among

thy merchandise. The ships of Tarshish brought thee tribute for thy merchandise.[1]

68. Voyage of Hanno [2]

Hanno, a Carthaginian navigator, who probably flourished about 500 B.C., made a voyage southward from the Strait of Gibraltar along the western coast of Africa. He seems to have advanced beyond Sierra Leone as far as the inlet now known as Sherbro Sound, or possibly even to Cape Palmas. Hanno's narrative of this adventurous undertaking was inscribed on a tablet in the Phœnician language and was deposited in the temple of Melkarth on his return to Carthage. A Greek translation of the original is still extant, under the title of *Periplus* ("Circumnavigation"). This is reproduced below in Thomas Falconer's version.

It was decreed by the Carthaginians that Hanno should undertake a voyage beyond the Pillars of Hercules,[3] and there found Liby-Phœnician cities. He sailed accordingly with sixty ships of fifty oars each, and a body of men and women, to the number of thirty thousand, and provisions, and other necessaries.

When we had weighed anchor, and passed the Pillars, and sailed beyond them for two days, we founded the first city, which we named Thymiaterium. Below it lay an extensive plain. Proceeding thence towards the west, we came to Solœis,[4] a promontory of Libya thickly covered with trees, where we erected a temple to Neptune, and again proceeded for the space of half a day towards the east, until we arrived at a lake lying not far from the sea, and filled with abundance of large reeds. Here elephants and a great number of other wild animals were feeding.

[1] The following countries are mentioned as being in commercial relations with Tyre: Syria (Senir, Lebanon), Bashan, Cyprus and other Mediterranean islands ("isles of the Kittites"), Egypt, Carthage or Greece ("isles of Elishah"), Phœnicia (Sidon, Arvad), Edom (Gebal), Persia, Lydia (Lud and Put), southern Spain (Tarshish), Ionia (Javan), central Asia Minor (Tubal and Meshech), Armenia ("house of Togarmah"), Arabia (Dedan, Sheba, Raamah), Aram, Judah and the land of Israel, Damascus in Syria, Dan, Upper Mesopotamia (Haran), Babylonia (Canneh, Eden), and Assyria (Asshur).

[2] George Rawlinson, *History of Phœnicia*, London, 1889, pp. 389–391. Longmans, Green, and Company, Ltd.

[3] The mountains Abyla and Calpe, on opposite sides of the Strait of Gibraltar, were anciently known as the Pillars of Hercules.

[4] Cape Bojador.

Having passed the lake about a day's sail, we founded cities near the sea, called Caricon-Teichos, and Gytta, and Acra, and Melitta, and Arambys. Thence we came to the great river Lixus,[1] which flows from Libya. On its banks the Lixitæ, a wandering tribe, were feeding flocks, amongst whom we continued some time on friendly terms. Beyond the Lixitæ dwelt the inhospitable Ethiopians, who pasture a wild country intersected by large mountains, from which they say the river Lixus flows. In the neighbourhood of the mountains lived the Troglodytes,[2] men of various appearances, whom the Lixitæ described as swifter in running than horses. Having procured interpreters from them, we coasted along a desert country towards the south for two days; and thence again proceeded towards the east the course of a day. Here we found in the recess of a certain bay a small island, having a circuit of five stadia, where we settled a colony, and called it Cerne. We judged from our voyage that this place lay in a direct line with Carthage; for the length of our voyage from Carthage to the Pillars was equal to that from the Pillars to Cerne. We then came to a cape, which we reached by sailing up a large river called Chrete. The lake had three islands larger than Cerne; from which, proceeding a day's sail, we came to the extremity of the lake. This was over-hung by huge mountains, inhabited by savage men, clothed in skins of wild beasts, who drove us away by throwing stones, and hindered us from landing. Sailing thence, we came to another river,[3] that was deep and broad, and full of crocodiles and river horses,[4] whence returning back, we came again to Cerne. Thence we sailed towards the south for twelve days, coasting along the shore, the whole of which is inhabited by Ethiopians, who would not wait our approach, but fled from us. Their language was unintelligible even to the Lixitæ who were with us. On the last day we approached some large mountains covered with trees, the wood of which was sweet-scented and variegated. Having sailed by

[1] Perhaps the Rio de Oro.
[2] Cave-dwellers.
[3] Perhaps the Senegal.
[4] Hippopotami.

these mountains for two days, we came to an immense opening of the sea; on each side of which, towards the continent, was a plain; from which we saw by night fire arising at intervals, either more or less.[1]

Having taken in water there, we sailed forward during five days near the land, until we came to a large bay, which our interpreter informed us was called the "Western Horn." In this was a large island, and in the island a salt-water lake, and in this another island, where, when we had landed, we could discover nothing in the daytime except trees; but in the night we saw many fires burning, and heard the sound of pipes, cymbals, drums, and confused shouting. We were then afraid, and our diviners ordered us to abandon the island. Sailing quickly away thence, we passed by a country burning with fires and perfumes; and streams of fire supplied thence fell into the sea. The country was untraversable on account of the heat. So we sailed away quickly from there also, being much terrified; and, passing on for four days, we observed at night a country full of flames. In the middle was a lofty fire, larger than the rest, which seemed to touch the stars. When day came, we discovered it to be a huge hill, called the "Chariot of the Gods." On the third day after our departure thence, after sailing by streams of fire, we arrived at a bay, called the "Southern Horn"; at the bottom of which lay an island like the former one, having a lake, and in the lake another island full of savage people, far the greater part of whom were women, whose bodies were hairy, and whom our interpreters called "gorillæ."[2] Though we pursued the men, we could not catch any of them; but all escaped us, climbing over the precipices, and defending themselves with stones. Three women were, however, taken; but they attacked their conductors with their teeth and nails, and could not be prevailed upon to accompany us. So we killed them, and flayed them, and brought their skins with us to Carthage. We did not sail further on, our provisions failing us.

[1] Brush fires kindled by the natives to burn over the land preparatory to its cultivation.

[2] Really chimpanzees.

69. The Silent Trade [1]

Herodotus, who never visited Carthage or sailed in a Carthaginian ship, is writing here, not at first-hand, but upon information conveyed to him by some credible eye-witness.

The Carthaginians also relate the following: — There is a country in Libya, and a nation, beyond the Pillars of Hercules, which they are wont to visit, where they no sooner arrive but forthwith they unlade their wares, and, having disposed them after an orderly fashion along the beach, leave them, and, returning aboard their ships, raise a great smoke. The natives, when they see the smoke, come down to the shore, and, laying out to view so much gold as they think the worth of the wares, withdraw to a distance. The Carthaginians upon this come ashore and look. If they think the gold enough, they take it and go their way; but if it does not seem to them sufficient, they go aboard ship once more and wait patiently. Then the others approach and add to their gold, till the Carthaginians are content. Neither party deals unfairly by the other: for they themselves never touch the gold till it comes up to the worth of their goods, nor do the natives ever carry off the goods till the gold is taken away.[2]

70. Phœnician Circumnavigation of Africa [3]

Herodotus gives this narrative presumably on the basis of information received by him in Egypt. He himself does not believe it true. Modern historians are inclined to accept it, since the statement that the Phœnicians saw the sun rise on their right as they returned northward seems to be the proof of their having rounded the Cape of Good Hope and completed the circumnavigation of Africa. The exploring expedition is not mentioned in any Egyptian records now extant. Possibly it excited no particular interest at the time, because the Egyptians had always supposed their country to be surrounded by the sea, with which the Nile connected on the south.

[1] Herodotus, iv, 196. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. iii, pp. 170–171. John Murray.

[2] The silent trade is found to-day among many primitive peoples who otherwise have no dealings with one another.

[3] Herodotus, iv, 42. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. iii, pp. 33–34. John Murray.

For my part I am astonished that men should ever have divided Libya,[1] Asia, and Europe as they have, for they are exceedingly unequal. Europe extends the entire length of the other two, and for breadth will not even (as I think) bear to be compared to them. As for Libya, we know it to be washed on all sides by the sea, except where it is attached to Asia. This discovery was first made by Necos,[2] the Egyptian king, who on desisting from the canal which he had begun between the Nile and the Arabian Gulf, sent to sea a number of ships manned by Phœnicians, with orders to make for the Pillars of Hercules, and return to Egypt through them, and by the Mediterranean. The Phœnicians took their departure from Egypt by way of the Erythræan Sea,[3] and so sailed into the southern ocean. When autumn came, they went ashore, wherever they might happen to be, and having sown a tract of land with corn, waited until the grain was fit to cut. Having reaped it, they again set sail; and thus it came to pass that two whole years went by, and it was not till the third year that they doubled the Pillars of Hercules, and made good their voyage home. On their return, they declared — I for my part do not believe them, but perhaps others may — that in sailing round Libya they had the sun upon their right hand. In this way was the extent of Libya first discovered.

71. The Cassiterides[4]

The identity of the Cassiterides, or Tin Islands, where the Phœnicians procured the metal so useful in the manufacture of bronze, is still a matter of dispute. Strabo, the widely traveled Greek geographer, who wrote at Alexandria during the reigns of Augustus and Tiberius, seems to locate the islands off the coast of northwestern Spain. It is certain, however, that these particular islands never produced any tin. The Cassiterides have also been identified with the Scillies, the adjacent peninsula of Cornwall, the Isle of Wight, and the islands of Morbihan, off the southern coast of Brittany. Whatever be the correct identification, the fact that Strabo and other ancient writers place the Cassiterides in

[1] Africa.

[2] Necho (609–593 B.C.), a Pharaoh of the Twenty-sixth Dynasty.

[3] Arabian Sea.

[4] Strabo, *Geographica*, iii, 5, 11. H. C. Hamilton and William Falconer, *The Geography of Strabo*, London, 1854–1857, vol. i, pp. 262–263. G. Bell and Sons, Ltd.

geographical connection with Spain is proof that the Phœnicians who settled there had commercial relations with those islands.

The Cassiterides are ten in number, and lie near each other in the ocean towards the north from the haven of the Artabri.[1] One of them is desert, but the others are inhabited by men in black cloaks, clad in tunics reaching to the feet, girt about the breast, and walking with staves, thus resembling the Furies we see in tragic representations. They subsist by their cattle, leading for the most part a wandering life. Of the metals they have tin and lead; which with skins they barter with the merchants for earthenware, salt, and brazen vessels. Formerly the Phœnicians alone carried on this traffic from Gades,[2] concealing the passage from every one; and when the Romans followed a certain ship-master, that they also might find the market, the ship-master of jealousy purposely ran his vessel upon a shoal, leading on those who followed him into the same destructive disaster; he himself escaped by means of a fragment of the ship, and received from the state the value of the cargo he had lost. The Romans nevertheless by frequent efforts discovered the passage, and as soon as Publius Crassus,[3] passing over to them, perceived that the metals were dug out at a little depth, and that the men were peaceably disposed, he declared it to those who already wished to traffic in this sea for profit, although the passage [4] was longer than that [5] to Britain.

[1] Galicia.

[2] Gades (modern Cadiz) was the chief Phœnician settlement in Spain and the center of the tin trade.

[3] Probably Cæsar's lieutenant of that name, who sailed from Gaul to the Cassiterides before Cæsar's first invasion of Britain.

[4] What is referred to here seems to be the sea-passage from the Garonne, up which river the route ran to Narbo (Narbonne) on the Mediterranean.

[5] *Sc.*, "from the Continent."

SECTION IV

PERSIANS

72. Proclamation of Cyrus to the Babylonians [1]

The so-called Cylinder of Cyrus contains a long and interesting proclamation which that ruler issued to the people of Babylon after his capture of their city in 539 B.C. In it he guarantees life and property to all the inhabitants and promises to relieve them of the heavy burdens imposed by Nabonnedos (Nabonidus), the last native king. The fact that Cyrus represents himself as the servant and favorite of Marduk, the great god of Babylon, shows that he was not a fanatical follower of Zoroaster and that, as a matter of policy, he was ready to make concessions to the religious beliefs of his new subjects.

I am Cyrus, king of the world, the great king, the powerful king, King of Babylon, King of Sumer and Akkad, king of the four quarters,[2] son of Cambyses, the great king, King of Anshan; grandson of Cyrus, the great king, King of Anshan; great-grandson of Teispis, the great king, King of Anshan, of ancient seed-royal, whose reign Bel [3] and Nabu love, whose sovereignty they regard necessary to their happiness. When I made my gracious entrance into Babylon, with joy and rejoicing I took up my lordly residence in the royal palace. Marduk, the great lord, granted me favour among the Babylonians, and I gave daily care to his worship. My numerous troops marched peacefully into Babylon. In all Sumer and Akkad, the noble race, I permitted no unfriendly treatment. I gave proper attention to the needs of Babylon and its cities. . . . I quieted their sighing and soothed their sorrow. Marduk, the great lord, rejoiced over my pious deeds, and he graciously blessed me, Cyrus, the king who worships him, and Cambyses, my own son, and all my troops, while we, in his presence, and with sincerity,

[1] R. F. Harper, *Assyrian and Babylonian Literature*, New York, 1901, pp. 172–174. D. Appleton and Company.

[2] *Sc.*, "of the world."

[3] Bel-Marduk.

gladly lauded his exalted divinity. All the kings dwelling in royal halls, . . . all the kings of the west country, who dwell in tents, brought me their heavy taxes, and in Babylon kissed my feet. From . . . as far as Asshur and Shushan, Agane, Eshnunak, Zamban, Meturnu, Durilu as far as the border of the land of Quti, the cities on the other side of the Tigris, whose sites were of ancient foundation — the gods, who dwelt in them, I restored to their places, and I gave them a habitation for all time. I collected all their people and restored them to their dwelling-places, and the gods of Sumer and Akkad, whom Nabonidus, to the anger of the lord of the gods, had brought into Babylon, by the command of Marduk, the great lord, peacefully in their own shrines I made them dwell, in habitations giving joy to their hearts. May all the gods whom I brought into their own cities, daily before Bel and Nabu pray that I may have a long life.

73. Edict of Cyrus [1]

Cyrus the Great displayed remarkable generosity toward the Jews. After the fall of Babylon (539 B.C.) he allowed the deported Jews in that city to return to Jerusalem, where they essayed the rebuilding of the Temple and the foundation of a new Jewish subject-community. This action seems to have been an instance of the religious toleration that became characteristic of the Persian government and contributed so greatly to its stability.

Thus saith Cyrus, king of Persia: All the kingdoms of the earth hath the Lord, the God of heaven, given me; and He hath charged me to build Him a house in Jerusalem, which is in Judah. Whosoever there is among you of all His people — his God be with him — let him go up to Jerusalem, which is in Judah, and build the house of the Lord, the God of Israel, He is the God who is in Jerusalem. And whosoever is left, in any place where he sojourneth, let the men of his place help him with silver, and with gold, and with goods, and with beasts, beside the freewill-offering for the house of God which is in Jerusalem.

[1] *Ezra*, i, 2–4.

74. The Behistun Inscription [1]

The site chosen by Darius I (521–485 B.C.) for the commemoration of his exploits was the isolated and almost inaccessible rock of Behistun (Behistan), the modern Bisitun, on the western frontier of ancient Media. Upon its limestone face, three hundred feet above the roadway between Ecbatana and Babylon, were sculptured huge figures representing the Great King, two of his chief officers, the rebel Gaumata (the false Smerdis), who lies prostrate before him, and nine other pretenders to the Persian throne. Over the king's head appears the figure of Ahura Mazda, the god who led him to victory. There is also an inscription in the three principal languages of the king's subjects, namely, Persian, Susian, and Babylonian, giving the titles of Darius, the extent of his empire, the circumstances of his accession, and the revolts against his rule. The whole concludes with an injunction to preserve the memorial to all time and a solemn curse against any one who might injure it. Both the sculptures and the inscriptions doubtless owe their excellent condition mainly to their inaccessibility. The earliest mention of them is by Diodorus Siculus, writing in the first century of our era, but they were first copied in 1833–1835 by Sir Henry C. Rawlinson, then a young officer in the Indian service, who at the risk of his life scaled the almost perpendicular cliff and took a paper cast of the lettering. At the time of Rawlinson's feat the old Persian language had been partially deciphered. By using the proper names in the Persian columns as a clew, it became possible to translate, first the proper names in the two other languages, and finally the entire record. Rawlinson did this with remarkable accuracy, thus laying the foundation of the science of Assyriology. The inscription is in nineteen columns and some fifty or sixty sections. The first nine sections of column I are given here.

I am Darius, the great king, the king of kings, the king in Persia, the king of countries, the son of Hystaspes, the grandson of Arsames, the Achæmenide.

Says Darius the king: My father is Hystaspes, the father of Hystaspes is Arsames, the father of Arsames is Ariaramnes, the father of Ariaramnes is Teispes, the father of Teispes is Achæmenes.

Says Darius the king: Therefore we are called the Achæmenides; from long ago we have extended; from long ago our family have been kings.

[1] H. C. Tolman, *The Behistan Inscription of King Darius*, Nashville, 1908, pp. 7–11. Vanderbilt University Studies, vol. i, No. 1.

Says Darius the king: Eight of my family there were who were formerly kings; I am the ninth; long aforetime we were kings.

Says Darius the king: By the grace of Auramazda [1] I am king; Auramazda gave me the kingdom.

Says Darius the king: These are the countries which came to me; by the grace of Auramazda I became king of them; — Persia, Susiana, Babylonia, Assyria, Arabia, Egypt, the lands which are on the sea, Sparda, Ionia, Media, Armenia, Cappadocia, Parthia, Drangiana, Aria, Chorasmia, Bactria, Sogdiana, Gandara, Scythia, Sattagydia, Arachosia, Maka; in all there are twenty-three countries.

Says Darius the king: These are the countries which came to me; by the grace of Auramazda they became subject to me; they bore tribute to me; what was commanded to them by me this was done night and day.

Says Darius the king: Within these countries what man was watchful, him who should be well esteemed I esteemed; who was an enemy, him who should be well published I punished; by the grace of Auramazda these countries respected my laws; as it was commanded by me to them, so it was done.

Says Darius the king: Auramazda gave me this kingdom; Auramazda bore me aid until I obtained this kingdom; by the grace of Auramazda I hold this kingdom.

75. The Great King [2]

The words following are supposed to be addressed to Darius the Great by one of his bodyguard. The *mis-en-scene* is the royal seat of judgment, in which are assembled "all the princes of Persia and Media, and the governors, and the captains, and the lieutenants, and the chief officers."

O sirs, do not men excel in strength, that bear rule over the sea and land, and all things in them? But yet is the king stronger: and he is their lord, and hath dominion over them; and in whatsoever he commandeth them they obey him. If he bid them make war the one against the other, they do it: and if he send them out against the enemies, they go, and overcome

[1] Ahura Mazda, the Persian god.

[2] 1 *Esdras*, iv, 2–12.

mountains, walls, and towers. They slay and are slain, and transgress not the king's commandment: if they get the victory, they bring all to the king, as well the spoil, as all things else. Likewise for those that are no soldiers, and have not to do with wars, but use husbandry, when they have reaped again that which they have sown, they bring it to the king, and compel one another to pay tribute unto the king. And he is but one man: if he command to kill, they kill; if he command to spare, they spare; if he command to smite, they smite; if he command to make desolate, they make desolate; if he command to build, they build; if he command to cut down, they cut down; if he command to plant, they plant. So all his people and his armies obey him: furthermore he lieth down, he eateth and drinketh, and taketh his rest; and these keep watch round about him, neither may any one depart, and do his own business, neither disobey they him in anything. O sirs, how should not the king be strongest, seeing that in such sort he is obeyed?

76. The Royal Road [1]

The Royal Road, which Darius I constructed between Sardis in Asia Minor and Susa, the Persian capital, ran for about fifteen hundred miles, a three month's journey for a pedestrian. Government couriers, using relays of fresh horses, could cover the distance within a week. Herodotus (viii, 98) declares that there is nothing mortal more swift than these messengers.

Now the true account of the road in question is the following: — Royal stations exist along its whole length, and excellent caravanserais; and throughout, it traverses an inhabited tract, and is free from danger. In Lydia and Phrygia there are twenty stations [2] within a distance of $94\frac{1}{2}$ parasangs.[3] On leaving Phrygia the Halys has to be crossed; and here are gates through which you must needs pass ere you can traverse the stream. A strong

[1] Herodotus, v, 52. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. iii, pp. 251–253.

[2] The abodes of the king's couriers, who carried dispatches from their own station to the next and then returned.

[3] The parasang was the common Persian road-measure, equal to nearly $3\frac{1}{2}$ statute miles.

force guards this post. When you have made the passage, and are come into Cappadocia, 28 stations and 104 parasangs bring you to the borders of Cilicia, where the road passes through two sets of gates, at each of which there is a guard posted. Leaving these behind, you go on through Cilicia, where you find three stations in a distance of $15\frac{1}{2}$ parasangs. The boundary between Cilicia and Armenia is the river Euphrates, which it is necessary to cross in boats. In Armenia the resting-places are fifteen in number, and the distance is $56\frac{1}{2}$ parasangs. There is one place where a guard is posted. Four large streams intersect this district, all of which have to be crossed by means of boats. The first of these is the Tigris; the second and the third have both of them the same name, though they are not only different rivers, but do not even run from the same place. For the one which I have called the first of the two has its source in Armenia, while the other flows afterwards out of the country of the Matienians. The fourth of the streams is called the Gyndes, and this is the river which Cyrus dispersed by digging for it three hundred and sixty channels. Leaving Armenia and entering the Matienian country, you have four stations; these passed, you find yourself in Cissia, where eleven stations and $42\frac{1}{2}$ parasangs bring you to another navigable stream, the Choaspes, on the banks of which the city of Susa is built. Thus the entire number of the stations is raised to one hundred and eleven; and so many are in fact the resting-places that one finds between Sardis and Susa.

77. A Sermon by Zoroaster [1]

Zoroaster (Zarathushtra), the founder of what was the national religion of the Iranian people from the time of the dynasty of the Achæmenidæ to the close of the Sassanian period, may have lived in the seventh century B.C., although some authorities assign him to a still earlier date, perhaps about 1000 B.C. Zoroastrianism, or Mazdæism, formed substantially a reformation of the polytheistic religion which the Iranians had in common with their Aryan kinsmen in India. The reformer rejected the old gods with their priesthoods and bloody sacrifices, retaining only the one god Mazda (Wisdom), under the title of Ahura (Lord).

[1] *Yasna*, xxx; *Sacred Books of the East*, vol. xxxi, pp. 28–33. Translated by L. H. Mills.

Associated with Ahura Mazda as his attributes are Good Mind, Truth and Right, Holy Sovereignty, Piety, and other beneficent immortal powers. Zoroaster also kept of the ancient cultus the sacred fire and the offering of the sacred plant *haoma*, corresponding to the Indian *soma*. What is most significant in the Zoroastrian system is its emphasis on ethical religion. Ahura Mazda, as the god of light and order, is also the god of truth and purity. Against him and his attendant spirits stand the forces of darkness and sin, headed by Angra Mainyu (Enemy Spirit), later known as Ahriman. These rival powers are engaged in a ceaseless struggle for the mastery. Man, by doing right and avoiding wrong, by loving truth and hating falsehood, can help make Good triumph over Evil. In the end Ahura Mazda will overcome Ahriman and will reign supreme in a new and righteous world. The canonical writings of Zoroastrianism, known under the comprehensive term of Avesta, were probably brought together during the reign of the first Sassanian king (226–240 A.D.). As we now have it, this collection consists of five parts: the *Yasna*, or liturgy; a supplement to this, called the *Vespered;* the *Vendidad*, which contains the ceremonial law; the *Yashts*, or hymns addressed to divinities; and, finally, a collection of prayers known as *Khordah Avesta*. Included in the *Yasna* are metrical texts, the *Gathas*. These are the oldest and most sacred part of the religious literature, in the form of utterances presumably by Zoroaster himself. The discourse here quoted is a Zoroastrian Sermon on the Mount, setting forth the essentials of the reformer's gospel.

And now I will proclaim, O ye who are drawing near and seeking to be taught! those animadversions which appertain to Him who knows all things whatsoever; the praises which are for Ahura, and the sacrifices which spring from the Good Mind, and likewise the benignant meditations inspired by Righteousness. And I pray that propitious results may be seen in the lights.

Hear ye then with your ears; see ye the bright flames with the eyes of the Better Mind. It is for a decision as to religions, man and man, each individually for himself. Before the great effort of the cause, awaken ye all to our teaching!

Thus are the primeval spirits who as a pair combining their opposite strivings, and yet each independent in his action, have been famed of old. They are a better thing, they two, and a worse, as to thought, as to word, and as to deed. And between these two let the wisely acting choose aright. Choose ye not as the evil-doers!

Yea, when the two spirits came together at the first to make life, and life's absence, and to determine how the world at the last shall be ordered, for the wicked Hell the worst life, for the holy Heaven the best Mental State.

Then when they had finished each his part in the deeds of creation, they chose distinctly each his separate realm. He who was the evil of them both chose the evil, thereby working the worst of possible results, but the more bounteous spirit chose the Divine Righteousness; yea, He so chose who clothes upon Himself the firm stones of heaven as His robe. And He chose likewise them who content Ahura with actions, which are performed really in accordance with the faith.

And between these two spirits the Demon-gods [1] and they who give them worship can make no righteous choice, since we have beguiled them. As they were questioning and debating in their council, the personified Worst Word approached them that he might be chosen. They made their fatal decision. And thereupon they rushed together unto the Demon of Fury,[2] that they might pollute the lives of mortals.

Upon this Aramaiti [3] approached, and with her came the Sovereign Power, the Good Mind, and the Righteous Order. And to the spiritual creations of good and evil Aramaiti gave a body, she the abiding and ever strenuous. And for these Thy people so let that body be at the last, O Mazda! as it was when Thou camest first with creations!

And when the great struggle shall have been fought out which began when the Dævas first seized the Demon of Wrath as their ally, and when the just vengeance shall have come upon these wretches, then, O Mazda! the Kingdom shall have been gained for Thee by Thy Good Mind within Thy folk. For to those, O living Lord! does that Good Mind utter his command, who will deliver the Demon of the Lie [4] into the two hands of the Righteous Order as a captive to a destroyer.

[1] The Dævas, progeny of the Evil One and his satellites. They seem to have been, originally, the old nature-gods of the Iranian peoples.

[2] Violence, semi-personified here.

[3] Piety.

[4] Later called Angra Mainyu and still later Ahriman.

And may we be such as those who bring on this great renovation, and make this world progressive, till its perfection shall have been reached. As the Ahuras of Mazda even may we be; yea, like Thyself, in helpful readiness to meet Thy people, presenting benefits in union with the Righteous Order. For there will our thoughts be tending where true wisdom shall abide in her home.

And when perfection shall have been attained then shall the blow of destruction fall upon the Demon of Falsehood, and her adherents shall perish with her, but swiftest in the happy abode of the Good Mind and of Ahura the righteous saints shall gather, they who proceed in their walk on earth in good repute and honour.

Wherefore, O ye men! ye are learning thus these religious incitations which Ahura gave in our happiness and our sorrow. And ye are also learning what is the long wounding for the wicked, and the blessings which are in store for the righteous. And when these shall have begun their course, salvation shall be your portion!

78. A Zoroastrian Hymn [1]

This noble utterance, one of the *Gathas*, is addressed to Ahura Mazda. It breathes the spirit of the purest monotheism.

This I ask Thee, O Ahura! tell me aright: Who by generation was the first father of the Righteous Order within the world? Who gave the recurring sun and stars their undeviating way? Who established that whereby the moon waxes, and whereby she wanes, save Thee? These things, O Great Creator! would I know, and others likewise still.

This I ask Thee, O Ahura! tell me aright, who from beneath hath sustained the earth and the clouds above that they do not fall? Who made the waters and the plants? Who to the wind has yoked on the storm-clouds, the swift and fleetest two? Who, O great Creator! is the inspirer of the good thoughts within our souls?

This I ask Thee, O Ahura! tell me aright; who, as a skilful

[1] *Yasna*, xliv, 3–8; *Sacred Books of the East*, vol. xxxi, pp. 113–115. Translated by L. H. Mills.

artisan, hath made the lights and the darkness? Who, as thus skilful, hath made sleep and the zest of waking hours? Who spread the Auroras, the noontides and midnight, monitors to discerning man, duty's true guides?

This I ask Thee, O Ahura! tell me aright these things which I shall speak forth, if they are truly thus. Doth the Piety which we cherish in reality increase the sacred orderliness within our actions? To these Thy true saints hath she given the Realm through the Good Mind. For whom hast Thou made the Mother-kine, the producer of joy? [1]

This I ask Thee, O Ahura! tell me aright; who fashioned Aramaiti the beloved, together with Thy Sovereign Power? Who, through his guiding wisdom, hath made the son revering the father? Who made him beloved? With questions such as these, so abundant, O Mazda! I press Thee, O bountiful Spirit, Thou maker of all!

This I ask Thee, O Ahura! tell me aright, that I may ponder these which are Thy revelations, O Mazda! and the words which were asked of Thee by Thy Good Mind within us, and that whereby we may attain, through Thine Order, to this life's perfection. Yea, how may my soul with joyfulness increase in goodness? Let it thus be.

79. Invocation to Mithra [2]

The deity whom the Aryans called Mitra and the Iranians, Mithra (Mithras), was a god of light, not specifically the light of the sun but heavenly light in general. His cult attained an importance in Iran which it never possessed in India. Though ignored by Zoroaster, Mithra seems always to have been a popular figure. The *Mihir Yasht* quoted below testifies to the high position which he enjoyed and also to the combination in his personality of purely physical attributes with refined moral qualities. The Mithraic cult subsequently spread from Persia to Babylonia and Asia Minor, passing thence into the Roman world.

Ahura Mazda spake unto Spitama Zarathustra, saying: "Verily, when I created Mithra, the lord of wide pastures, O

[1] In Zoroastrian teaching the pregnant cow was the symbol of good fortune.

[2] *Yashts*, x; *Sacred Books of the East*, vol. xxiii, pp. 119–121. Translated by James Darmesteter.

Spitama! I created him as worthy of sacrifice, as worthy of prayer as myself, Ahura Mazda.

"The ruffian who lies unto Mithra brings death unto the whole country, injuring as much the faithful world as a hundred evil-doers could do. Break not the contract, O Spitama! neither the one that thou hast entered into with one of the unfaithful, nor the one that thou hast entered into with one of the faithful who is one of thy own faith. For Mithra stands for both the faithful and the unfaithful."

Mithra, the lord of wide pastures, gives swiftness to the horses of those who lie not unto Mithra.

Fire, the son of Ahura Mazda, gives the straightest way to those who lie not unto Mithra.

The good, strong, beneficent Fravashis [1] of the faithful give a virtuous offspring to those who lie not unto Mithra.

For his brightness and glory, I will offer unto him a sacrifice worth being heard, namely, unto Mithra, the lord of wide pastures.

We offer up libations unto Mithra, the lord of wide pastures, who gives a happy dwelling and a good dwelling to the Aryan nations.

May he come to us for help! May he come to us for ease! May he come to us for joy! May he come to us for mercy! May he come to us for health! May he come to us for victory! May he come to us for good conscience! May he come to us for bliss! he, the awful and overpowering, worthy of sacrifice and prayer, not to be deceived anywhere in the whole of the material world, Mithra, the lord of wide pastures.

I will offer up libations unto him, the strong Yazata,[2] the powerful Mithra, most beneficent to the creatures: I will apply unto him with charity and prayers: I will offer up a sacrifice worth being heard unto him, Mithra, the lord of wide pastures, with the Haoma [3] and meat, with the baresma, with the wisdom of the tongue, with the holy spells, with the speech, with the deeds, with the libations, and with the rightly-spoken words.

[1] Guardian spirits. [2] Adored One.

[3] A sacred plant, the juice of which was expressed and used in sacrifices.

SECTION V

HEBREWS

80. The Decalogue [1]

There are two parallel texts of the Decalogue, one in *Exodus* (chapter XX) and one in *Deuteronomy* (chapter V). The two texts present some interesting points of difference, which may be compared below.

I

I am the Lord thy God, who brought thee out of the land of Egypt, out of the house of bondage.

Thou shalt have no other gods before Me.[2] Thou shalt not make unto thee a graven image, nor any manner of likeness, of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; thou shalt not bow down unto them, nor serve them; for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate Me; and showing mercy unto the thousandth generation of them that love Me and keep My commandments.

Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh His name in vain.

Remember the sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work; but the seventh day is a sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates; for in six days the Lord made heaven and earth, the sea, and all that in them is, and rested on the seventh day; wherefore the Lord blessed the sabbath day, and hallowed it.

[1] *Exodus*, xx, 2–17 (14), and *Deuteronomy*, v, 6–21 (18).
[2] Or, "besides Me."

Honour thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee.

Thou shalt not murder.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Thou shalt not covet thy neighbour's house; thou shalt not covet thy neighbour's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor any thing that is thy neighbour's.

II

I am the Lord thy God, who brought thee out of the land of Egypt, out of the house of bondage.

Thou shalt have no other gods before Me. Thou shalt not make unto thee a graven image, even any manner of likeness, of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. Thou shalt not bow down unto them, nor serve them; for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children, and upon the third and upon the fourth generation of them that hate Me, and showing mercy unto the thousandth generation of them that love Me and keep My commandments.

Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh His name in vain.

Observe the sabbath day, to keep it holy, as the Lord thy God commanded thee. Six days shalt thou labour, and do all thy work; but the seventh day is a sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thine ox, nor thine ass, nor any of thy cattle, nor thy stranger that is within thy gates; that thy man-servant and thy maid-servant may rest as well as thou. And thou shalt remember that thou wast a servant in the land of Egypt, and the Lord thy God brought thee out thence by a mighty hand and by an outstretched arm; therefore the Lord thy God commanded thee to keep the sabbath day.

Honour thy father and thy mother, as the Lord thy God commanded thee; that thy days may be long, and that it may go well with thee, upon the land which the Lord thy God giveth thee.

Thou shalt not murder.

Neither shalt thou commit adultery.

Neither shalt thou steal.

Neither shalt thou bear false witness against thy neighbour.

Neither shalt thou covet thy neighbour's wife; neither shalt thou desire thy neighbour's house, his field, or his man-servant, or his maid-servant, his ox, or his ass, or any thing that is thy neighbour's.

81. A Summary of the Moral Law [1]

This chapter of *Leviticus* does not seem to be directly based upon the Decalogues, the Book of the Covenant, or the Deuteronomic Code; it is rather an example of the ethical epitomes probably once numerous in ancient Israel. Whatever its origin may be, it forms one of the best expressions of Old Testament morality.

And the Lord spoke unto Moses, saying: Speak unto all the congregation of the children of Israel, and say unto them:

Ye shall be holy; for I the Lord your God am holy. Ye shall fear every man his mother, and his father, and ye shall keep My sabbaths: I am the Lord your God. Turn ye not unto the idols, nor make to yourselves molten gods: I am the Lord your God. . . .

And when ye reap the harvest of your land, thou shalt not wholly reap the corner of thy field, neither shalt thou gather the gleaning of thy harvest. And thou shalt not glean thy vineyard, neither shalt thou gather the fallen fruit of thy vineyard; thou shalt leave them for the poor and for the stranger: I am the Lord your God. Ye shall not steal; neither shall ye deal falsely, nor lie one to another. And ye shall not swear by My name falsely, so that thou profane the name of thy God: I am the Lord. Thou shalt not oppress thy neighbour, nor rob him; the wages of a hired servant shall not abide with thee all night until the morning.

[1] *Leviticus*, xix.

Thou shalt not curse the deaf,[1] nor put a stumbling-block before the blind, but thou shalt fear thy God: I am the Lord. Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor favour the person of the mighty; but in righteousness shalt thou judge thy neighbour. Thou shalt not go up and down as a talebearer among thy people; neither shalt thou stand idly by the blood of thy neighbour: I am the Lord. Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy neighbour, and not bear sin because of him. Thou shalt not take vengeance, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the Lord. Ye shall keep My statutes. . . .

And when ye shall come into the land,[2] and shall have planted all manner of trees for food, then ye shall count the fruit thereof as forbidden; three years shall it be as forbidden unto you; it shall not be eaten. And in the fourth year all the fruit thereof shall be holy, for giving praise unto the Lord. But in the fifth year may ye eat of the fruit thereof, that it may yield unto you more richly the increase thereof; I am the Lord your God. Ye shall not eat with the blood;[3] neither shall ye practise divination nor soothsaying. Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard. Ye shall not make any cuttings in your flesh for the dead, nor imprint any marks upon you; I am the Lord. . . . Ye shall keep My sabbaths, and reverence My sanctuary; I am the Lord. Turn ye not unto the ghosts, nor unto familiar spirits; seek them not out, to be defiled by them: I am the Lord your God. Thou shalt rise up before the hoary head, and honour the face of the old man, and thou shalt fear thy God: I am the Lord. And if a stranger sojourn with thee in your land, ye shall not do him wrong. The stranger that sojourneth with you shall be unto you as the home-born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the

[1] A deaf person, not being able to hear the curse, could do nothing to avoid its baleful effects.

[2] The land of Canaan.

[3] *I.e.*, eat meat not properly blooded.

Lord your God. Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure. Just balances, just weights, a just ephah,[1] and a just hin,[2] shall ye have: I am the Lord your God, who brought you out of the land of Egypt. And ye shall observe all My statutes, and all Mine ordinances, and do them: I am the Lord.

82. Sheol [3]

The origin of the Hebrew term Sheol, as the designation of the abode of the dead, is uncertain; the conception itself differed little, if at all, from that which the Babylonians had of Aralu. Like the latter Sheol is an under world (*Job*, xi, 8), a land of No-return (*ib.* vii, 9), a land of dust (*Psalms*, xxx, 9) and darkness (*Job*, x, 21), whose inhabitants, king and slave, oppressor and oppressed, good and bad, are all buried in profound sleep (*ib.* iii, 13–19). "Whatsoever thy hand attaineth to do by thy strength, that do; for there is no work, nor device, nor knowledge, nor wisdom, in the grave, whither thou goest" (*Ecclesiastes*, ix, 10). Sheol is further described and contrasted with the upper world in the following song of thanksgiving, ascribed by the Old Testament writer to Hezekiah, king of Judah, after his recovery from an almost mortal illness. The song probably belongs to the post-Exilic period.

I said: In the noontide of my days I shall go,
Even to the gates of the nether-world;
I am deprived of the residue of my years.
I said: I shall not see the Lord,
Even the Lord in the land of the living;
I shall behold man no more with the inhabitants of the world.
My habitation is plucked up and carried away from me
As a shepherd's tent;
I have rolled up like a weaver my life;
He will cut me off from the thrum: [4]
From day even to night wilt Thou make an end of me.
The more I make myself like unto a lion until morning,
The more it breaketh all my bones;
From day even to night wilt Thou make an end of me.

[1] A dry measure.
[2] A liquid measure.
[3] *Isaiah*, xxxviii, 10–20.
[4] Loom.

Like a swallow or a crane, so do I chatter,
I do moan as a dove;
Mine eyes fail with looking upward.
O Lord, I am oppressed, be Thou my surety.

What shall I say? He hath both spoken unto me,
And Himself hath done it;
I shall go softly all my years for the bitterness of my soul.
O Lord, by these things men live,
And altogether therein is the life of my spirit;
Wherefore recover Thou me, and make me to live.
Behold, for my peace I had great bitterness;
But Thou hast in love to my soul delivered it
From the pit of corruption;
For Thou hast cast all my sins behind Thy back.

For the nether-world cannot praise Thee,
Death cannot celebrate Thee;
They that go down into the pit cannot hope for Thy truth.
The living, the living, he shall praise Thee,
As I do this day;
The father to the children shall make known Thy truth.
The Lord is ready to save me;
Therefore we will sing songs to the stringed instruments
All the days of our life in the house of the Lord.

83. The Resurrection of the Dead

The doctrine of a resurrection first appears in *Isaiah* (xxvi, 1–19), with the spiritual significance of a restoration, in the next world, of the life of communion with God. This particular passage is assigned to the fourth century B.C. The belief there enunciated gradually won its way into acceptance and before the dawn of the Christian era replaced the earlier conception of Sheol. The only other Old Testament reference to a resurrection occurs in *Daniel*, where it is represented as ushering in the Messianic kingdom. The book of *Daniel* is now believed to date from the time of Antiochus Epiphanes (176–164 B.C.).

"And at that time shall Michael stand up, the great prince who standeth for the children of thy people; and there shall be a time

[1] *Daniel*, xii, 1–4.

of trouble, such as never was since there was a nation even to that same time; and at that time thy people shall be delivered, every one that shall be found written in the book. And many of them that sleep in the dust of the earth shall awake, some to everlasting life, and some to reproaches and everlasting abhorrence.[1] And they that are wise shall shine as the brightness of the firmament; and they that turn the many to righteousness as the stars for ever and ever. But thou, O Daniel, shut up the words, and seal the book, even to the time of the end: many shall run to and fro, and knowledge shall be increased."

84. Righteousness[2]

It was the work of the great Hebrew prophets from Amos onward to transform the narrow national monolatry of Israel into a unique ethical monotheism. Amos, who wrote about the middle of the eighth century B.C., is not concerned with idolatry and the worship of other gods, but with social wrongs and wickedness of every sort. He has been well called the prophet of righteousness. His insistence on justice, uprightness, and mercy, as fundamental for true religion, gave to Hebrew prophecy a new direction. Hosea, Isaiah, and Micah, his successors among the prophets of the eighth century, delivered the same message.

Seek the Lord, and live —
Lest He break out like fire in the house of Joseph,
And it devour, and there be none to quench it in Beth-el —
Ye who turn justice to wormwood,
And cast righteousness to the ground;
Him that maketh the Pleiades and Orion,
And bringeth on the shadow of death in the morning,
And darkeneth the day into night;
That calleth for the waters of the sea,
And poureth them out upon the face of the earth;
The Lord is His name;

[1] The resurrection is thus represented as partial, not universal. After Daniel the transition was made to a universal resurrection, in which form the doctrine appears in the New Testament.

[2] *Amos*, v, 6–24; *Isaiah*, i, 10–17; and *Micah*, vi, 1–8.

That causeth destruction to flash upon the strong,
So that destruction cometh upon the fortress.

They hate him that reproveth in the gate,
And they abhor him that speaketh uprightly.
Therefore, because ye trample upon the poor,
And take from him exactions of wheat;
Ye have built houses of hewn stone,
But ye shall not dwell in them,
Ye have planted pleasant vineyards,
But ye shall not drink the wine thereof.
For I know how manifold are your transgressions,
And how mighty are your sins;
Ye that afflict the just, that take a ransom,
And that turn aside the needy in the gate.
Therefore the prudent doth keep silence in such a time;
For it is an evil time.

Seek good, and not evil, that ye may live;
And so the Lorn the God of hosts, will be with you, as ye say.
Hate the evil, and love the good,
And establish justice in the gate;
It may be that the Lord, the God of hosts,
Will be gracious unto the remnant of Joseph.

Therefore thus saith the Lord,
The God of hosts, the Lord:
Lamentation shall be in all the broad places,
And they shall say in all the streets: "Alas! alas!"
And they shall call the husbandman to mourning,
And proclaim lamentation to such as are skilful of wailing.
And in all vineyards shall be lamentation;
For I will pass through the midst of thee,
Saith the Lord.

Woe unto you that desire the day of the Lord!
Wherefore would ye have the day of the Lord?
It is darkness, and not light.
As if a man did flee from a lion,

And a bear met him;
And went into the house and leaned his hand on the wall,
And a serpent bit him.
Shall not the day of the Lord be darkness, and not light?
Even very dark, and no brightness in it?
I hate, I despise your feasts,
And I will take no delight in your solemn assemblies.
Yea, though ye offer me burnt-offerings and your meal-offerings,
I will not accept them;
Neither will I regard the peace-offerings of your fat beasts.
Take thou away from Me the noise of thy songs;
And let Me not hear the melody of thy psalteries.
But let justice well up as waters,
And righteousness as a mighty stream.

II

Hear the word of the Lord,
Ye rulers of Sodom;
Give ear unto the law of our God,
Ye people of Gomorrah.
To what purpose is the multitude of your sacrifices unto Me?
Saith the Lord;
I am full of the burnt-offerings of rams,
And the fat of fed beasts;
And I delight not in the blood
Of bullocks, or of lambs, or of he-goats,
When ye come to appear before Me.
Who hath required this at your hand,
To trample My courts?
Bring no more vain oblations;
It is an offering of abomination unto Me;
New moon [1] and sabbath,[2] the holding of convocations —
I cannot endure iniquity along with the solemn assembly.
Your new moons and your appointed seasons

[1] The festival of the new moon.

[2] "Sabbath" seems here to be used with its original significance of full-moon day. *Cf. Isaiah*, lxvi, 23.

My soul hateth;
They are a burden unto Me;
I am weary to bear them.
And when ye spread forth your hands,
I will hide Mine eyes from you;
Yea, when ye make many prayers,
I will not hear;
Your hands are full of blood.
Wash you, make you clean,
Put away the evil of your doings
From before Mine eyes,
Cease to do evil;
Learn to do well;
Seek justice, relieve the oppressed,
Judge the fatherless, plead for the widow.

III

Hear ye now what the Lord saith:
Arise, contend thou before the mountains,
And let the hills hear thy voice.
Hear, O ye mountains, the Lord's controversy,
And ye enduring rocks, the foundations of the earth;
For the Lord hath a controversy with His people,
And He will plead with Israel.
O My people, what have I done unto thee?
And wherein have I wearied thee?
Testify against Me.
For I brought thee up out of the land of Egypt,
And redeemed thee out of the house of bondage,
And I sent before thee Moses, Aaron, and Miriam.
O My people, remember now what Balak king of Moab devised,
And what Balaam the son of Beor answered him;
From Shittim unto Gilgal,
That ye may know the righteous acts of the Lord.
" Wherewith shall I come before the Lord,
And bow myself before God on high?

Shall I come before Him with burnt-offerings,
With calves of a year old?
Will the Lord be pleased with thousands of rams,
With ten thousands of rivers of oil?
Shall I give my first-born for my transgression,
The fruit of my body for the sin of my soul?" [1]
It hath been told thee, O man, what is good,
And what the Lord doth require of thee:
Only to do justly, and to love mercy, and to walk humbly with thy God.

85. The Works of the Lord [2]

The Psalter may be called the hymnal of the second Temple, from its regular use in the temple worship at Jerusalem. The work, in its present form, is one of the latest parts of the Old Testament, having been collected, edited, and in large part written between 500 and 150 B.C. It includes one hundred and fifty hymns, arranged in five books, probably in imitation of the five books of the Pentateuch. The hymn here quoted, which comes from the fourth book of the Psalter, exhibits in both thought and sequence an interesting resemblance to the Egyptian *Hymn to Aton*.

Bless the Lord, O my soul.
O Lord my God, Thou art very great;
Thou art clothed with glory and majesty.
Who coverest Thyself with light as with a garment,
Who stretchest out the heavens like a curtain;
Who layest the beams of Thine upper chambers in the waters,
Who makest the clouds Thy chariot,
Who walkest upon the wings of the wind;
Who makest winds Thy messengers,
The flaming fire Thy ministers.

Who didst establish the earth upon its foundations;
That it should not be moved for ever and ever;
Thou didst cover it with the deep as with a vesture;
The waters stood above the mountains.
At Thy rebuke they fled,

[1] A reference, doubtless, to the former practice of sacrificing the first-born child to the deity.

[2] *Psalms*, civ.

At the voice of Thy thunder they hasted away —
The mountains rose, the valleys sank down —
Unto the place which Thou hadst founded for them;
Thou didst set a bound which they should not pass over,
That they might not return to cover the earth.

Who sendest forth springs into the valleys;
They run between the mountains;
They give drink to every beast of the field,
The wild asses quench their thirst.
Beside them dwell the fowl of the heaven,
From among the branches they sing.
Who waterest the mountains from Thine upper chambers;
The earth is full of the fruit of Thy works.

Who causest the grass to spring up for the cattle,
And herb for the service of man;
To bring forth bread out of the earth,
And wine that maketh glad the heart of man,
Making the face brighter than oil,
And bread that stayeth man's heart.
The trees of the Lord have their fill,
The cedars of Lebanon, which He hath planted;
Wherein the birds make their nests;
As for the stork, the fir-trees are her house.
The high mountains are for the wild goats;
The rocks are a refuge for the conies.

Who appointedst the moon for seasons;
The sun knoweth his going down.
Thou makest darkness, and it is night,
Wherein all the beasts of the forest do creep forth.
The young lions roar after their prey,
And seek their food from God.
The sun ariseth, they slink away,
And couch in their dens.
Man goeth forth unto his work
And to his labour until the evening.

How manifold are Thy works, O Lord!
In wisdom hast Thou made them all;
The earth is full of Thy creatures.
Yonder sea, great and wide,
Therein are creeping things innumerable,
Living creatures, both small and great
There go the ships;
There is leviathan, whom Thou hast formed to sport therein.
All of them wait for Thee,
That Thou mayest give them their food in due season.
Thou givest it unto them, they gather it;
Thou openest Thy hand, they are satisfied with good.
Thou hidest Thy face, they vanish;
Thou withdrawest their breath, they perish,
And return to their dust.
Thou sendest forth Thy spirit, they are created;
And Thou renewest the face of the earth.

May the glory of the Lord endure for ever;
Let the Lord rejoice in His works!
Who looketh on the earth, and it trembleth;
He toucheth the mountains, and they smoke.
I will sing unto the Lord as long as I live;
I will sing praise to my God while I have any being.
Let my musing be sweet unto Him;
As for me, I will rejoice in the Lord.
Let sinners cease out of the earth,
And let the wicked be no more.
Bless the Lord, O my soul.
Hallelujah.[1]

86. The Praise of Wisdom [2]

The Wisdom literature of the Hebrews deals with moral and religious principles pertaining to all human life. It thus offers a marked contrast to the prophetical, legal, and liturgical writings, which deal specifically with Hebrew national life. It represents, in short, the beginnings of

[1] "Praise ye the Lord."
[2] *Proverbs*, iii, 1–18.

Hebrew philosophy. The Old Testament contains three Wisdom books, *Proverbs*, *Job*, and *Ecclesiastes*. In *Proverbs* we have a number of collections attributed to various authors and dating from different times, the oldest perhaps from the Persian age and the latest from the Greek period. Some authorities, however, put the composition of the entire word approximately in the century 300–200 B.C.

My son, forget not my teaching;
But let thy heart keep my commandments;
For length of days, and years of life,
And peace, will they add to thee.
Let not kindness and truth forsake thee;
Bind them about thy neck,
Write them upon the table of thy heart,
So shalt thou find grace and good favour
In the sight of God and man.
Trust in the Lord with all thy heart,
And lean not upon thine own understanding.
In all thy ways acknowledge Him,
And He will direct thy paths.
Be not wise in thine own eyes;
Fear the Lord, and depart from evil;
It shall be health to thy navel,
And marrow to thy bones.
Honour the Lord with thy substance,
And with the first-fruits of all thine increase;
So shall thy barns be filled with plenty,
And thy vats shall overflow with new wine.
My son, despise not the chastening of the Lord,
Neither spurn thou His correction;
For whom the Lord loveth He correcteth,
Even as a father the son in whom he delighteth.
Happy is the man that findeth wisdom,
And the man that obtaineth understanding.
For the merchandise of it is better than the merchandise of silver,
And the gain thereof than fine gold.
She is more precious than rubies;
And all the things thou canst desire are not to be compared unto her.

Length of days is in her right hand;
In her left hand are riches and honour.
Her ways are ways of pleasantness,
And all her paths are peace.
She is a tree of life to them that lay hold upon her,
And happy is every one that holdeth her fast.

87. A Penitential Prayer [1]

This noble composition, written in Greek but possibly based on an Aramaic or Hebrew original, was formerly attributed to Manasseh, king of Judah (692–639 B.C.), when a captive in Babylon. Modern scholars assign it to Maccabæan or post-Maccabæan times. It is found in the Christian *Didascalia*, a work probably of the third century A.D. and afterward embodied in the *Apostolic Constitutions*. It is now included in the Apocrypha.

O Lord Almighty, that art in heaven, thou God of our fathers, of Abraham, and Isaac, and Jacob, and of their righteous seed; who hast made heaven and earth, with all the ornament thereof; who hast bound the sea by the word of thy commandment; who hast shut up the deep, and sealed it by thy terrible and glorious name; [2] whom all things fear, yea, tremble before thy power; for the majesty of thy glory cannot be borne, and the anger of thy threatening toward sinners is importable; thy merciful promise is unmeasurable and unsearchable; for thou art the Lord Most High, of great compassion, long-suffering and abundant in mercy, and repentest of bringing evils upon men. Thou, O Lord, according to thy great goodness hast promised repentance and forgiveness to them that have sinned against thee: and of thine infinite mercies hast appointed repentance unto sinners, that they may be saved. Thou therefore, O Lord, that art the God of the just, hast not appointed repentance to the just, to Abraham, and Isaac, and Jacob, which have not sinned against thee; but thou hast appointed repentance unto me that am a sinner: for I have sinned above the number of the sands of the sea. My transgressions are multiplied, O Lord: my transgres-

[1] *Prayer of Manasses.*

[2] The Name of the Lord is here detached, as it were, and invested with a separate existence; *cf. Isaiah*, xxx, 27.

sions are multiplied, and I am not worthy to behold and see the height of heaven for the multitude of mine iniquities. I am bowed down with many iron hands, that I cannot lift up mine head by reason of my sins, neither have I any respite: for I have provoked thy wrath, and done that which is evil before thee: I did not thy will, neither kept I thy commandments: I have set up abominations, and have multiplied detestable things. Now therefore I bow the knee of mine heart, beseeching thee of grace. I have sinned, O Lord, I have sinned, and I acknowledge mine iniquities: but, I humbly beseech thee, forgive me, O Lord, forgive me, and destroy me not with mine iniquities. Be not angry with me for ever, by reserving evil for me; neither condemn me into the lower parts of the earth. For thou, O Lord, art the God of them that repent; and in me thou wilt show all thy goodness: for thou wilt save me, that am unworthy, according to thy great mercy. And I will praise thee for ever all the days of my life: for all the host of heaven doth sing thy praise, and thine is the glory for ever and ever. Amen.

88. Tobit's Exhortation [1]

Tobit is a specimen of the religious novel, a form of literature invented by the Jews. It was never admitted into the Jewish canon, but by the Roman Church is included in the canonical Scriptures. The Church of England and other Protestant communions relegate it to the Apocrypha. The work has reached us in many versions, Greek, Latin, Syrian, Aramaic, and Hebrew, the latter being the latest. There is much difference of opinion as to the date of composition, which may be several centuries before the Christian era. Tobit's exhortation to his son is a didactic passage often quoted.

My child, be mindful of the Lord our God all thy days, and let not thy will be set to sin and to transgress his commandments: do righteousness all the days of thy life, and follow not the ways of unrighteousness. For if thou doest the truth, thy doings shall prosperously succeed to thee, and to all them that do righteousness. Give alms of thy substance; and when thou givest alms, let not thine eye be envious: turn not away thy face from any poor man, and the face of God shall not be turned away from

[1] *Tobit*, iv, 5–19.

thee. As thy substance is, give alms of it according to thine abundance: if thou have little, be not afraid to give alms according to that little: for thou layest up a good treasure for thyself against the day of necessity: because alms delivereth from death, and suffereth not to come into darkness. Alms is a good gift in the sight of the Most High for all that give it. . . . Let not the wages of any man, which shall work for thee, tarry with thee, but render it unto him out of hand: and if thou serve God, recompense shall be made unto thee. Take heed to thyself, my child, in all thy works, and be discreet in all thy behaviour. And what thou thyself hatest, do to no man. Drink not wine unto drunkenness, and let not drunkenness go with thee on thy way. Give of thy bread to the hungry, and of thy garments to them that are naked: of all thine abundance give alms; and let not thine eye be envious when thou givest alms. Pour out thy bread on the burial of the just, and give nothing to sinners. Ask counsel of every man that is wise, and despise not any counsel that is profitable. And bless the Lord thy God at all times, and ask of him that thy ways may be made straight, and that all thy paths and counsels may prosper: for every nation hath not counsel: but the Lord himself giveth all good things, and he humbleth whom he will, as he will. And now, my child, remember my commandments, and let them not be blotted out of thy mind.

89. The Instruction of Levi [1]

The work known as the *Testaments of the Twelve Patriarchs* belongs to the Pseudepigrapha of the Old Testament. It was written in Hebrew during the latter years of John Hyrcanus I, high priest of the Jews from 135 to 105 B.C. The author, a Pharisee of the early type, upheld the Law and the Temple sacrifices and looked for the speedy coming of a Messiah sprung from Judah. His book has value as throwing light on the Messianic expectations of Judaism toward the close of the second century B.C. Its main significance lies, however, in its elevated ethical teaching, which helps to bridge the gap between Old Testament and New Testament morality.

[1] *The Testaments of the Twelve Patriarchs, Levi,* xiii. R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament,* Oxford, 1913, vol. ii, p. 311. Clarendon Press.

And now, my children, I command you:
Fear the Lord your God with your whole heart,
And walk in simplicity according to all His law.
And do ye also teach your children letters,
That they may have understanding all their life,
Reading unceasingly the law of God.
For every one that knoweth the law of the Lord shall be honoured,
And shall not be a stranger whithersoever he goeth.
Yea, many friends shall he gain more than his parents,
And many men shall desire to serve him,
And to hear the law from his mouth.
Work righteousness, therefore, my children, upon the earth,
That ye may have it as a treasure in heaven,
And sow good things in your souls,
That ye may find them in your life.
But if ye sow evil things,
Ye shall reap every trouble and affliction.
Get wisdom in the year of God with diligence;
For though there be a leading into captivity,
And cities and lands be destroyed,
And gold and silver and every possession perish,
The wisdom of the wise nought can take away,
Save the blindness of ungodliness, and the callousness that comes of sin.
For if one keep oneself from these evil things,
Then even among his enemies shall wisdom be a glory to him,
And in a strange country a fatherland,
And in the midst of foes shall prove a friend.
Whosoever teaches noble things and does them,
Shall be enthroned with kings,
As was also Joseph my brother.

90. The Messiah [1]

The name Messiah, " the anointed," referred originally to the Hebrew king, who at his consecration was anointed with oil and was thereby made

[1] *Psalms of Solomon*, xvii, 23–41. R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament*, Oxford, 1913, vol. ii, pp. 649–650. Clarendon Press.

sacrosanct. The conception of a Messiah, a person of Davidic descent, who would be the restorer of Israel's greatness, is first expressed by the Judæan prophets of the eighth century B.C. It appears also, and vividly, in some of the later hymns of the Psalter. Messianism especially developed among the Jews after their subjection by Seleucid rulers, particularly Antiochus Epiphanes (176–164 B.C.), who tried to suppress Judaism by persecution. We find it given definite literary expression in the *Psalms of Solomon*, a collection of eighteen psalms which were probably written in the middle of the first century B.C. The Hebrew original of this work has perished, but there are several Greek manuscripts, as well as a Syriac text, translated from the Greek.

Behold, O Lord, and raise up unto them their king, the son of David,
At the time in the which Thou seest, O God, that he may reign over Israel Thy servant.
And gird him with strength, that he may shatter unrighteous rulers,
And that he may purge Jerusalem from nations that trample her down to destruction.
Wisely, righteously he shall thrust out sinners from the inheritance,
He shall destroy the pride of the sinner as a potter's vessel.
With a rod of iron he shall break in pieces all their substance,
He shall destroy the godless nations with the word of his mouth;
At his rebuke nations shall flee before him,
And he shall reprove sinners for the thoughts of their heart.

And he shall gather together a holy people, whom he shall lead in righteousness,
And he shall judge the tribes of the people that has been sanctified by the Lord his God.
And he shall not suffer unrighteousness to lodge any more in their midst,
Now shall there dwell with them any man that knoweth wickedness,
For he shall know them, that they are all sons of their God.
And he shall divide them according to their tribes upon the land,

And neither sojourner nor alien shall sojourn with them any more.
He shall judge peoples and nations in the wisdom of his righteousness.

And he shall have the heathen nations to serve him under his yoke;
And he shall glorify the Lord in a place to be seen of all the earth;
And he shall purge Jerusalem, making it holy as of old:
So that nations shall come from the ends of the earth to see his glory,
Bringing as gifts her sons who had fainted,
And to see the glory of the Lord, wherewith God hath glorified her.
And he shall be a righteous king, taught of God, over them,
And there shall be no unrighteousness in his days in their midst,
For all shall be holy and their king the anointed of the Lord.
For he shall not put his trust in horse and rider and bow,
Nor shall he multiply for himself gold and silver for war,
Nor shall he gather confidence from a multitude for the day of battle.
The Lord Himself is his king, the hope of him that is mighty through his hope in God.

All nations shall be in fear before him,
For he will smite the earth with the word of his mouth for ever.
He will bless the people of the Lord with wisdom and gladness,
And he himself will be pure from sin, so that he may rule a great people.

91. The Jewish Polity [1]

Flavius Josephus is the greatest ancient historian of the Jewish people. Born at Jerusalem about 37 A.D., of high-priestly stock, he became prominent in public life, took part with his people in the revolt against Rome, but turned to the Roman side after his capture by Vespasian. Upon the

[1] Josephus, *Contra Apionem*, ii, 16–18. H. St. J. Thackeray, *Selections from Josephus*, London, 1919, pp. 170–173. Society for Promoting Christian Knowledge.

destruction of Jerusalem he repaired to the capital city and lived and wrote there under imperial patronage until his death about 100 A.D. His works were written in Greek for the benefit of the Græco-Roman world. They include: (1) the *War of the Jews;* (2) the *Antiquities of the Jews,* the author's longest and most ambitious production; (3) his *Life,* written to defend himself against his own people, who regarded him as a renegade; and (4) the treatise *Against Apion,* an apology for Judaism. These books have survived entire, largely owing to their popularity with the early Christians.

There is endless variety in the details of the customs and laws which prevail in the world at large. To give but a summary enumeration: some peoples have entrusted the supreme power of government to monarchies, others to oligarchies, yet others to the masses. Our lawgiver, however, was attracted by none of these forms of polity, but gave to his constitution the form of what — if a forced expression be permitted — may be termed a "theocracy," ascribing the sovereignty and majesty to God. To Him he persuaded all to look, as the Author of all blessings, both those which are common to all mankind, and those which they had won for themselves by prayer in their utmost adversities. He convinced them that no single action, no secret thought, could be hid from Him. He represented Him as One, uncreated and immutable to all eternity; in beauty surpassing all mortal comeliness, made known to us by His power, although the nature of His real being passes knowledge.

That the wisest of the Greeks learnt to adopt these conceptions of God from principles with which Moses supplied them, I am not now concerned to urge; but they have borne abundant witness of the excellence of these doctrines, and to their consonance with the nature and majesty of God. In fact, Pythagoras, Anaxagoras, Plato, the Stoics who succeeded him, and indeed nearly all the philosophers appear to have held similar views concerning the nature of God. These, however, addressed their philosophy to the few, and did not venture to divulge the true doctrine to the masses who were prepossessed by other opinions; whereas our lawgiver, by making practice square with precept, not only convinced his own contemporaries, but so firmly implanted this belief concerning God in their descendants

to all future generations that it cannot be moved. The cause of his success was that he far surpassed other legislators in promoting the good of all men to all time by his scheme of legislation; for he did not make religion a department of virtue, but the various virtues — I mean, justice, temperance, fortitude, and mutual harmony in all things between the members of the community — departments of religion. Religion governs all our actions and studies and speech; none of these things did our lawgiver leave unexamined or indeterminate.

All schemes of education and moral training fall into two categories; instruction is imparted in the one case by precept, in the other by practical exercising of the character. All other legislators, following their divergent opinions, selected the particular method which each preferred and neglected the other. Thus the Lacedæmonians and Cretans employed practical, not verbal, training; whereas the Athenians and nearly all the rest of the Greeks made laws enjoining what actions might or might not be performed, but neglected to familiarize the people with them by putting them into practice.

Our legislator, on the other hand, took great care to combine both systems. He did not leave practical training in morals without a written code; nor did he permit the letter of the law to remain inoperative. Starting from the very beginning with the food of which we partake from infancy and the private life of the home, he left nothing, however insignificant, to the discretion and caprice of the individual. What meats a man should abstain from, and what he may enjoy; with what persons he should associate; what period should be devoted respectively to strenuous labour and to rest; — for all this our leader made the law the standard and rule, that we might live under it as under a father and master [1] and be guilty of no sin through wilfulness or ignorance.

For ignorance he left no pretext. He proved the Law to be the most excellent and necessary form of instruction, ordaining, not that it should be heard once for all or twice or on several occasions, but that every week men should desert their other occu-

[1] *Cf. Galatians*, iii, 24: "the law hath been our tutor."

pations and assemble to listen to the Law and to obtain a thorough and accurate knowledge of it; a practice which all other legislators seem to have neglected.

Indeed, most men, so far from living in accordance with their own laws, hardly know what they are. Only when they have done wrong do they learn from others that they have transgressed the law. Even those of them who hold the highest and most important offices admit their ignorance; for they employ professional legal experts as assessors and leave them in charge of the administration of affairs. But, should any one of our nation be questioned about the laws, he would repeat them all more readily than his own name. The result, then, of our thorough grounding in the laws from the time when we first had any sensations whatever, is that we have them as it were engraven on our souls. A transgressor is a rarity and to elude punishment by entreaty an impossibility.

92. The Talmud on the Sabbath [1]

There grew up in Jewry during the first centuries of the Christian era two great Talmuds, or collections of rabbinical lore, embodying, respectively, the work of the Palestinian and Babylonian schools. The Babylonian Talmud seems to have been substantially complete by 500 A.D.; the Palestinian, as it now exists, is somewhat earlier in date. The latter collection fell into neglect during the Middle Ages, and the Babylonian recension became the authoritative guide for orthodox Jews everywhere. The Talmud (Hebrew " teaching," " learning ") consists of the *Mishna*, a corpus of religico-legal decisions, based upon and elaborating the Old Testament codes, and the *Gemara*, a body of supplementary material, legal and otherwise. The *Mishna* in its present form contains sixty-three tractates or treatises, divided into five hundred and twenty-three chapters. The text of both *Mishna* and *Gemara* is badly preserved, and no complete translation of the two works has yet been published in English. The following brief extract from the Talmud will convey some idea of its character.

A great general rule has been pronounced in reference to the Sabbath: Whosoever forgets the fundamental principle of the Sabbath, and does various kinds of work on several Sabbaths is

[1] *Mishna*, iii, 7 W. O. E Oesterley, *Tractate Shabbath*, London. 1927, pp. 27–29. Society for Promoting Christian Knowledge.

bound to offer but one guilt-offering; but he who knows the fundamental principle of the Sabbath, and does various kinds of work on several Sabbaths, is guilty for each and every Sabbath; and he who knows that it is the Sabbath, and does various kinds of work on several Sabbaths, is guilty in regard to each single act of labour; and he who does various acts of labour of the same kind of labour on the Sabbath is bound to offer but one guilt-offering.

Primary acts of labour are forty less one, namely these: he who ploughs, and he who sows, he who reaps, and he who binds up sheaves, he who threshes, and he who winnows, and sifts, and grinds, and scours, and kneads, and bakes, he who cuts wool, who bleaches it, and who hatchels it, and who dyes it, and who spins it, and who weaves it, and who makes two meshes, who weaves two threads, who cuts two threads, who ties a knot, and who unties a knot, and who severs two stitches, and who tears for the purpose of sewing two stitches, he who hunts a deer, and who slaughters it, and who strips it of its skin, and salts it, and tans it, and scrapes it, and cuts it up; he who inscribes two letters, and rubs wood for the purpose of inscribing two letters; he who builds, and he who pulls down, he who extinguishes a light, and he who kindles one; and he who strikes with a hammer; and he who carries something from one place to another. These are the primary acts of labour — forty, less one.[1]

And yet another general rule has been pronounced in reference to the Sabbath: All that is proper to be stored up, and is usually stored up in quantities, if carried out on the Sabbath, necessitates a guilt-offering from him who carries it out; but all that is not proper to be stored up, and is not usually stored up in quantities, if carried out on the Sabbath day, necessitates a guilt-offering only from him who stores it up.

He who carries out as much straw as will fill the mouth of a cow, or as many peas-stalks as will fill the mouth of a camel, or as many ears of grain as will fill the mouth of a lamb, or as

[1] Some of these regulations are regarded as belonging to as ancient a period as any of the prohibitions found in the Old Testament; the majority, however, represent only an extreme elaboration of the Scriptural injunctions.

much herb as will fill the mouth of a goat, or as many garlic leaves and onion leaves — as much as is equivalent to a dried fig — and dry, as will fill the mouth of a goat, that man is guilty; but they are not reckoned as actually equivalent because in substance they are not equal. He who carries out food on the Sabbath as much as is equivalent to a dried fig is guilty; they are reckoned as equivalent because their substance is equal, with the exception of their skins, and their kernels, and their stalks, and their fine and coarse pollard. Rabbi Judah says, with the exception of the husks of lentils which are both boiled together.

SECTION VI

ARABS

93. The Koran [1]

The chief source of our knowledge concerning the teachings of Mohammed is, of course, the Koran. Many of the revelations composing this work were delivered by the Prophet while in a state of trance. These, together with his public speeches and prayers, were collected, under the first caliph Abu Bekr (632–634 A.D.), into the book as it now exists. There can be no doubt that the Koran is practically identical with the Prophet's own words. It contains one hundred and fourteen chapters (suras), varying in length from a few lines to many pages. The compilers made no attempt to group the chapters either chronologically or by subject. The extracts below are arranged topically to present Mohammed's doctrines on the following subjects: the Koran, Unity of God, Mohammed as the Apostle of God, Resurrection, Hell and Paradise, Angels, the Devil, Predestination, Prayer, Almsgiving, Fasting, Pilgrimages to Mecca, Prohibitions, Marriage and Divorce, and Proselytism.

This Koran could not have been devised by any beside God; but it verifies that which was before it, and details the Book — there is no doubt therein — from the Lord of the worlds.

Say, "If mankind and jinns [2] united together to bring the like of this Koran, they could not bring the like, though they should back each other up!"

God, there is no god but He, the living, the self-subsistent. Slumber takes Him not, nor sleep. He is what is in the heavens and what is in the earth. Who is it that intercedes with Him save by his permission? He knows what is before them and what behind them, and they comprehend not aught of His knowledge but of what He pleases. His throne extends over the heavens and the earth, and it tires Him not to guard them both, for He is high and grand.

[1] Koran, i–lxxvi *passim; Sacred Books of the East,* vols. vi and ix. Translated by E. H. Palmer.

[2] Spirits inimical to man. They are described as ethereal creatures, endowed with speech, capable of assuming various shapes, and usually invisible.

Say, "Praise belongs to God; and peace be upon His servants whom He has chosen! Is God best, or what they associate with Him?" He who created the heavens and the earth; and sends down upon you from the heaven water; and we cause to grow therewith gardens fraught with beauty; ye could not cause the trees thereof to grow! Is there a god with God? nay, but they are a people who make peers with Him! He who made the earth, settled, and placed amongst it rivers; and placed upon it firm mountains; and placed between the two seas a barrier; is there a god with God? nay, but most of them know not! He who answers the distressed when he calls upon Him and removes the evil; and makes you successors in the earth; is there a god with God? Little is it that ye are mindful. He who guides you in the darkness, of the land and the sea; and who sends winds as glad tidings before His mercy; is there a god with God? exalted be God above what they associate with Him! He who began the creation and then will make it return again; and who provides you from the heavens and the earth; is there a god with God? so bring your proofs if ye do speak the truth.

Muhammed is but an apostle; apostles have passed away before his time; what if he die or is killed, will ye retreat upon your heels? He who retreats upon his heels does no harm to God at all; but God will recompense the thankful. It is not for any soul to die, save by God's permission written down for an appointed time; but he who wishes for the reward of this world we will give him of it, and he who wishes for the reward of the future we will give him of it, and we will recompense the grateful.

Every soul must taste of death; and ye shall only be paid your hire upon the resurrection day.

God, there is no God but He! He will surely assemble you on the resurrection day, there is no doubt therein; who is truer than God in His discourse?

We will place just balances upon the resurrection day, and no soul shall be wronged at all, even though it be the weight of a grain of mustard seed, we will bring it; for we are good enough at reckoning up.

But whoso rebels against God and His Apostle, and transgresses His bounds, He will make him enter into fire, and dwell therein for aye; and for him is shameful woe.

God has promised unto the hyprocrites, men and women, and unto the misbelievers, hell-fire, to dwell therein for aye; it is enough for them! God shall curse them, and theirs shall be enduring woe.

And vie with one another for pardon from your Lord, and for Paradise, the breadth of which is as the heaven and the earth, prepared for those who fear; for those who expend in alms, in prosperity and adversity, for those who repress their rage, and those who pardon men; God loves the kind.

Verily the pious shall be in a safe place! in gardens and springs, they shall be clad in satin and stout silk, face to face — Thus! — and we will wed them to bright and large-eyed maids! They shall call therein for every fruit in safety. They shall not taste therein of death save their first death, and we will keep them from the torment of Hell! Grace from thy Lord, that is the grand bliss!

God bears witness that there is no God but He, and the angels, and those possessed of knowledge standing up for justice. There is no God but He, the Mighty, the Wise.

Praise belongs to God, the originator of the heavens and the earth; who makes the angels His messengers, endued with wings in pairs, or threes, or fours; He adds to creation what He pleases; verily, God is mighty over all!

And when thy Lord said to the angels, "Verily, I am creating a mortal from crackling clay of black mud wrought into shape;

"And when I have fashioned it, and breathed into it of my spirit, then fall ye down before it, adoring."

And the angels adored all of them together, save Iblis,[1] who refused to be among those who adored.

He said, "O Iblis! what ails thee that thou art not among those who adore?"

[1] Also called Shaitan (Satan).

Said he, "I would not adore a mortal whom Thou hast created from crackling clay of black mud wrought into form."

He said, "Then get thee forth therefrom, and, verily, thou art to be pelted! And verily, the curse is upon thee until the day of judgment."

Every nation has its appointed time, and when their appointed time comes they cannot keep it back an hour, nor can they bring it on.

If God were to punish men for their wrongdoing, He would not leave upon the earth a single beast, but He respites them until a stated time; and when their time comes they cannot put it off an hour, nor can they bring it on.

When my servants ask thee concerning me, then, verily, I am near; I answer the prayer whene'er he prays to Me. So let them ask Me for an answer, and let them believe in Me; haply they may be directed aright.

Say, "Verily, God's guidance is the guidance, and we are bidden to resign ourselves unto the Lord of the worlds, and be ye steadfast in prayer and fear Him, for He it is to whom we shall be gathered."

They will ask thee what they are to expend in alms; say, "Whatsoever good ye expend it should be for parents and kinsmen, and the orphan and the poor, and the son of the road; and whatsoever good ye do, verily, of it God knows!"

If ye lend to God a goodly loan, He will double it for you, and will forgive you; for God is grateful, clement!

The month of Ramadan,[1] wherein was revealed the Koran, for a guidance to men, and for manifestations of guidance, and for a discrimination. And he amongst you who beholds this month then let him fast it; but he who is sick or on a journey, then another number of days — God desires for you what is easy, and desires not for you what is difficult — that ye may complete the number and say "Great is God," for that He has guided you; haply ye may give thanks.

[1] The ninth month of the Mohammedan lunar year.

And fulfill the pilgrimage[1] and the visitation to God; but if ye be besieged, then what is easiest for you by way of gift.

O ye who believe! verily, wine, and games of chance, and statues, and divining are only an abomination of Satan's work; avoid them then that haply ye may prosper.

Forbidden to you is that which dies of itself, and blood, and the flesh of swine, and that which devoted to other than God, and the strangled, and the knocked down, and that which falls down, and the gored, and what wild beasts have eaten — except what ye slaughter in time — and what is sacrificed to idols and dividing carcases by arrows.[2]

Those who devour usury[3] shall not rise again, save as he riseth whom Satan hath paralysed with a touch; and that is because they say "Selling is only like usury," but God has made selling lawful and usury unlawful; and he to whom the admonition from his Lord has come, if he desists, what has gone before is his; his matter is in God's hands. But whosoever returns to usury, these are the Fellows of the Fire, and they shall dwell therein for aye. God shall blot out our usury, but shall make almsgiving profitable, for God loves not any sinful misbeliever.

And slay not your children for fear of poverty; we will provide for them; beware! for to slay them is ever a great sin!

And draw not nigh unto the wealth of the orphan, save so as to better it, until he reaches full age, and give weight and measure with justice.

Marry what seems good to you of women, by twos, or threes, or fours; and if ye fear that ye cannot be equitable, then only one, or what your right hands possess.[4] That keeps you nearer to not being partial.

Divorce may happen twice; then keep them in reason, or let them go in kindness. It is not lawful for you to take from them anything of what you have given them, unless both fear that they cannot keep within God's bounds.

[1] To Mecca.
[2] Divination by means of arrows was an old Arab custom.
[3] Usury means here any interest charge for money.
[4] *I.e.*, female slaves.

And divorced women should have a maintenance in reason — a duty this on those that fear.

Count not those who are killed in the way of God as dead, but living with their Lord: provided for, rejoicing in what God has brought them of His grace, and being glad for those who have not reached them yet — those left behind them; there is no fear for them, and they shall not be grieved, glad at favour from God and grace, and that God wasteth not the hire of the believers.

94. Traditional Sayings of Mohammed [1]

The private utterances of Mohammed to his intimate friends constitute what has been called his Table-talk. These traditional sayings (*Sunan*) number over seven thousand in the standard collection. They were not brought together until a late date (850–900), and no one can say how many represent the genuine words of the Prophet. Pious Moslems accept them as authentic and derive from them many rules for the guidance of life. The extracts below are taken from an abridgment, the *Miskat-el-Masabeh*, prepared by A. N. Matthews and published at Calcutta in 1809.

When God created the creation He wrote a book, which is near him upon the sovran Throne; and what is written in it is this: "Verily my compassion overcometh my wrath."

Say not, if people do good to us, we will do good to them, and if people oppress us, we will oppress them: but resolve that if people do good to you, you will do good to them, and if they oppress you, oppress them not again.

The most excellent of all actions is to befriend any one on God's account, and to be at enmity with whosoever is the enemy of God.

Angels come amongst you both night and day; then those of the night ascend to heaven, and God asketh them how they left His creatures: they say, We left them at prayer, and we found them at prayer.

When a Muslim performeth the ablution, it washeth from his face those faults which he may have cast his eyes upon; and

[1] Stanley Lane-Poole, *The Speeches and Table-talk of the Prophet Mohammad*, London, 1882, pp. 147–182 *passim*. Macmillan and Company, Ltd.

when he washeth his hands, it removeth the faults they may have committed, and when he washeth his feet, it dispelleth the faults towards which they may have carried him: so that he will rise up in purity from the place of ablution.

When God created the earth, it began to shake and tremble; then God created mountains, and put them upon the earth, and the land became firm and fixed; and the angels were astonished at the hardness of the hills, and said, "O God, is there anything of thy creation harder than hills?" and God said, "Yes, water is harder than the hills, because it breaketh them." Then the angel said, "O Lord, is there anything of thy creation harder than water?" He said, "Yes, wind overcometh water; it doth agitate it and put it in motion." They said, "O our Lord! is there anything of thy creation harder than wind?" He said, "Yes, the children of Adam giving alms: those who give with their right hand, and conceal from their left, overcome all."

Feed the hungry, visit the sick, and free the captive if he be unjustly bound.

A keeper of fasts, who doth not abandon lying and slandering, God careth not about his leaving off eating and drinking.

Read the Koran constantly; I sware by Him in the hands of whose might is my life, verily the Koran runneth away faster than a camel which is not tied by the leg.

The Prophet hath cursed ten persons on account of wine: one, the first extractor of the juice of the grape for others; the second for himself; the third the drinker of it; the fourth the bearer of it; the fifth the person to whom it is brought; the sixth the waiter; the seventh the seller of it; the eighth the eater of its price; the ninth the buyer of it; the tenth that person who hath purchased it for another.

Merchants shall be raised up liars on the Day of Resurrection, except he who abstaineth from that which is unlawful, and doth not swear falsely, but speaketh true in the price of his goods.

The taker of interest and the giver of it, and the writer of its papers and the witness to it, are equal in crime.

The holder of a monopoly is a sinner and offender.

The bringers of grain to the city to sell at a cheap rate gain

immense advantage by it, and he who keepeth back grain in order to sell at a high rate is cursed.

He who desireth that God should redeem him from the sorrows and difficulties of the Day of Resurrection, must delay in calling on poor debtors, or forgive the debt in part or whole.

Give the labourer his wage before his perspiration be dry.

I swear by God, in whose hand is my life, that marching about morning and evening to fight for religion is better than the world and everything that is in it: and verily the standing of one of you in the line of battle is better than supererogatory prayers performed in your house for sixty years.

No judge must decide between two persons whilst he is angry.

The world and all things in it are valuable, but the most valuable thing in the world is a virtuous woman.

Verily the best of women are those who are content with little.

Admonish your wives with kindness; for women were created out of a crooked rib of Adam, therefore if ye wish to straighten it, ye will break it; and if ye let it alone, it will be always crooked.

Every woman who dieth, and her husband is pleased with her, shall enter into paradise.

That which is lawful but disliked by God is divorce.

A woman may be married by four qualifications: one, on account of her money; another, on account of the nobility of her pedigree; another, on account of her beauty; a fourth, on account of her faith; therefore look out for religious women, but if ye do it from any other consideration, may your hands be rubbed in dirt.

Do not prevent your women from coming to the mosque; but their homes are better for them.

God has ordained that your brothers should be your slaves: therefore him whom God hath ordained to be the slave of his brother, his brother must give him of the food which he eateth himself, and of the clothes wherewith he clotheth himself, and not order him to do anything beyond his power, and if he doth order such a work, he must himself assist him in doing it.

He who beateth his slave without fault, or slappeth him in the face, his atonement for this is freeing him.

A man who behaveth ill to his slave will not enter into Paradise.

Forgive thy servant seventy times a day.

Fear God in respect of animals: ride them when they are fit to be ridden, and get off when they are tired.

When a man cometh into his house and remembereth God and repeateth His name at eating his meals, the Devil saith to his followers, "Here is no place for you to stay in to-night, nor is there any supper for you." And when a man cometh into his house without remembering God's name, the Devil saith to his followers, "You have got a place to spend the night in."

Verily a king is God's shadow upon the earth; and every one oppressed turneth to him: then when the king doeth justice, for him are rewards and gratitude from his subjects: but, if the king oppresseth, on him is his sin, and for the oppressed resignation.

There is no prince who oppresseth the subject and dieth, but God forbiddeth Paradise to him.

There is no obedience due to sinful commands, nor to any other than what is lawful.

Every painter is in Hell Fire; and God will appoint a person at the Day of Resurrection for every picture he shall have drawn, to punish him, and they will punish him in Hell. Then if you must make pictures, make them of trees and things without souls.

O servants of God use medicine: because God hath not created a pain without a remedy for it, to be the means of curing it, except age; for that is a pain without a remedy.

Whoso pursueth the road of knowledge, God will direct him to the road of Paradise; and verily the angels spread their arms to receive him who seeketh after knowledge: and everything in heaven and earth will ask grace for him; and verily the superiority of a learned man over a mere worshipper is like that of the full moon over all the stars.

Do not abuse or speak ill of the dead, because they have arrived at what they sent before them; they have received the

rewards of their actions; if the reward is good, you must not mention them as sinful; and if it is bad, perhaps they may be forgiven, but if not, your mentioning their badness is of no use.

I am no more than man: when I order you anything with respect to religion, receive it, and when I order you about the affairs of the world then I am nothing more than man.

PART II

GREECE AND ROME

SECTION VII

POLITY AND JURISPRUDENCE

95. The Homeric Council and Popular Assembly [1]

The Homeric poems, which cannot be dated later than the eighth century B.C. and which may be several hundred years earlier, give us our first view of the Greek city-state. Every little community had its heaven-descended king, the "shepherd of the people" (*Iliad*, ii, 243), its council of elders, and its popular assembly, or Agora, of freemen. How much power was enjoyed by the king and his fellow-nobles and how little by the commons is well shown in a famous passage from the *Iliad*.

Now went the goddess Dawn to high Olympus, foretelling daylight to Zeus and all the immortals; and the king [2] bade the clear-voiced heralds summon to the assembly the flowing-haired Achaians.[3] So did those summon, and these gathered with speed.

But first the council of the great-hearted elders met beside the ship of king Nestor the Pylos-born. And he that had assembled them framed his cunning counsel: "Hearken, my friends. A dream from heaven came to me in my sleep through the ambrosial night, and chiefly to goodly Nestor was very like in shape and bulk and stature. And it stood over my head and charged me saying: 'Sleepest thou, son of wise Atreus tamer of horses? To sleep all night through beseemeth not one that is a counsellor, to whom peoples are entrusted and so many cares belong. But now hearken straightway to me, for I am a messenger to thee from Zeus, who though he be afar yet hath great care for thee and pity. He biddeth thee call to arms the flowing-haired Achaians with all speed, for that now thou mayest take the wide-wayed city of the Trojans. For the immortals that dwell in the palaces of

[1] *Iliad*, ii, 48–209. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 22–28. Macmillan and Company, Ltd.

[2] Agamemnon.

[3] Homer calls the Greeks besieging Troy Achæans, Argives, and Danaäns, apparently without discrimination.

Olympus are no longer divided in counsel, since Hera hath turned the minds of all by her beseeching, and over the Trojans sorrows hang by the will of Zeus. But keep thou this in thy heart.' So spake the dream and was flown away, and sweet sleep left me. So come, let us now call to arms as we may the sons of the Achaians. But first I will speak to make trial of them as is fitting, and will bid them flee with their benched ships; only do ye from this side and from that speak to hold them back."

So spake he and sate him down; and there stood up among them Nestor, who was king of sandy Pylos. He of good intent made harangue to them and said: "My friends, captains and rulers of the Argives, had any other of the Achaians told us this dream we might deem it a false thing, and rather turn away therefrom; but now he hath seen it who of all Achaians avoweth himself far greatest. So come, let us call to arms as we may the sons of the Achaians."

So spake he, and led the way forth from the council, and all the other sceptred chiefs rose with him and obeyed the shepherd of the host; and the people hastened to them. . . . And the place of assemblage was in an uproar, and the earth echoed again as the hosts sate them down, and there was turmoil. Nine heralds restrained them with shouting, if perchance they might refrain from clamour, and hearken to their kings,[1] the fosterlings of Zeus. And hardly at the last would the people sit, and keep them to their benches and cease from noise. Then stood up lord Agamemnon bearing his sceptre, that Hephaistos [2] had wrought curiously. . . . Thereon he leaned and spake his saying to the Argives:

"My friends, Danaän warriors, men of Ares' company, Zeus Kronos' son hath bound me with might in grievous blindness of soul; hard of heart is he, for that erewhile he promised me and pledged his nod that not till I had wasted well-walled Ilios should I return; but now see I that he planned a cruel wile and biddeth me return to Argos dishonoured, with the loss of many of my

[1] All the Greek leaders are regarded as kings, with Agamemnon as their overlord.

[2] The fire god and divine smith.

folk. So meseems it pleaseth most mighty Zeus, who hath laid low the head of many a city, yea, and shall lay low; for his is highest power. Shame is this even for them that come after to hear; how so goodly and great a folk of the Achaians thus vainly warred a bootless war, and fought scantier enemies, and no end thereof is yet seen. . . . Already have nine years of great Zeus passed away, and our ships' timbers have rotted and the tackling is loosed; while there our wives and little children sit in our halls awaiting us; yet is our task utterly unaccomplished wherefor we came hither. So come, even as I shall bid let us all obey. Let us flee with our ships to our dear native land; for now shall we never take wide-wayed Troy."

So spake he, and stirred the spirit in the breasts of all throughout the multitude, as many as had not heard the council. . . . And they bade each man his neighbour to seize the ships and drag them into the bright salt sea, and cleared out the launching-ways, and the noise went up to heaven of their hurrying homewards; and they began to take the props from beneath the ships.

Then would the Argives have accomplished their return against the will of fate, but that Hera spake a word to Athene: "Out on it, daughter of ægis-bearing Zeus, unwearied maiden! Shall the Argives thus indeed flee homeward to their dear native land over the sea's broad back? But they would leave to Priam and the Trojans their boast, even Helen of Argos, for whose sake many an Achaian hath perished in Troy, far away from his dear native land. But go thou now amid the host of the mail-clad Achaians; with thy gentle words refrain thou every man, neither suffer them to draw their curved ships down to the salt sea."

So spake she, and the bright-eyed goddess Athene disregarded not; but went darting down from the peaks of Olympus, and came with speed to the fleet ships of the Achaians. There found she Odysseus standing, peer of Zeus in counsel, neither laid he any hand upon his decked black ship, because grief had entered into his heart and soul. And bright-eyed Athene stood by him and said: "Heaven-sprung son of Laërtes, Odysseus of many devices, will ye indeed fling yourselves upon your benched ships to flee homeward to your dear native land? But ye would leave

to Priam and the Trojans their boast, even Helen of Argos, for whose sake many an Achaian hath perished in Troy, far from his dear native land. But go thou now amid the host of the Achaians, and tarry not; and with thy gentle words refrain every man, neither suffer them to draw their curved ships down to the salt sea."

So said she, and he knew the voice of the goddess speaking to him, and set him to run, and cast away his mantle, the which his herald gathered up, even Eurybates of Ithaca, that waited on him. And himself he went to meet Agamemnon son of Atreus, and at his hand received the sceptre of his sires, imperishable for ever, wherewith he took his way amid the ships of the mail-clad Achaians.

Whenever he found one that was a captain and a man of mark, he stood by his side, and refrained him with gentle words: "Good sir, it is not seemly to affright thee like a coward, but do thou sit thyself and make all thy folk sit down. For thou knowest not yet clearly what is the purpose of Atreus's son; now is he but making trial, and soon he will afflict the sons of the Achaians. And heard we not all of us what he spake in the council? Beware lest in his anger he evilly entreat the sons of the Achaians. For proud is the soul of heaven-fostered kings; because their honour is of Zeus, and the god of counsel loveth them."

But whatever man of the people he saw and found him shouting, him he drave with his sceptre and chode him with loud words: "Good sir, sit still and hearken to the words of others that are thy betters; but thou art no warrior, and a weakling, never reckoned whether in battle or in council. In no wise can we Achaians all be kings here. A multitude of masters is no good thing; let there be one master, one king, to whom the son of crooked-counselling Kronos hath granted it, [even the sceptre and judgments, that he may rule among you"].[1]

So masterfully ranged he the host; and they hasted back to the assembly from ships and huts, with noise as when a wave of the loud-sounding sea roareth on the long beach and the main resoundeth.

[1] This line seems to be an interpolation.

96. The Spartan Commonwealth [1]

Xenophon's little treatise on the *Lacedæmonian Polity* is our most valuable source of information for the political and social institutions of the Spartans. The picture he draws is somewhat idealized, though he admits that in his time (the first half of the fourth century B.C.) the institutions traditionally ascribed to Lycurgus have broken down.

There are yet other customs in Sparta which Lycurgus [2] instituted in opposition to those of the rest of Hellas, and the following among them. We all know that in the generality of states every one devotes his full energy to the business of making money: one man as a tiller of the soil, another as a mariner, a third as a merchant, whilst others depend on various arts to earn a living. But at Sparta Lycurgus forbade his freeborn citizens to have anything whatsoever to do with the concerns of money-making. As freemen, he enjoined upon them to regard as their concern exclusively those activities upon which the foundations of civic liberty are based.

And indeed, one may well ask, for what reason should wealth be regarded as a matter for serious pursuit in a community where, partly by a system of equal contributions to the necessaries of life, and partly by the maintenance of a common standard of living, the lawgiver placed so effectual a check upon the desire for riches for the sake of luxury? What inducement, for instance, would there be to make money, even for the sake of wearing apparel, in a state where personal adornment is held to lie not in the costliness of the clothes they wear, but in the healthy condition of the body to be clothed? Nor again could there be much inducement to amass wealth, in order to be able to expend it on the members of a common mess, where the legislator had made it seem far more glorious that a man should help his fellows by the labour of his body than by costly outlay. The latter being, as he finely phrased it, the function of wealth, the former an activity of the soul.

[1] Xenophon, *De republica Lacedæmoniorum*, 7–10. H. G. Dakyns, *The Works of Xenophon*, London, 1890–1897, vol. ii, pp. 308–314. Macmillan and Company, Ltd.

[2] Supposed to have lived in the ninth century B.C. We really know nothing about him.

He went a step farther, and set up a strong barrier (even in a society such as I have described) against the pursuance of money-making by wrongful means.[1] In the first place, he established a coinage of so extraordinary a sort,[2] that even a single sum of ten minas[3] could not come into a house without attracting the notice, either of the master himself, or of some member of his household. In fact, it would occupy a considerable space, and need a waggon to carry it. Gold and silver themselves, moreover, are liable to search, and in case of detection, the possessor subjected to a penalty. . . .

Yet the actual means by which he gave currency to these principles is a point which it were well not to overlook. It is clear that the lawgiver set himself deliberately to provide all the blessings of heaven for the good man, and a sorry and ill-starred existence for the coward.

In other states the man who shows himself base and cowardly wins to himself an evil reputation and the nickname of a coward, but that is all. For the rest he buys and sells in the same market-place with the good man; he sits beside him at the play; he exercises with him in the same gymnasium, and all as suits his humour. But at Lacedæmon there is not one man who would not feel ashamed to welcome the coward at the common mess-table, or to try conclusions with such an antagonist in a wrestling bout. Consider the day's round of his existence. The sides are being picked up in a football match, but he is left out as the odd man: there is no place for him. During the choric dance he is driven away into ignominious quarters. Nay, in the very streets it is he who must step aside for others to pass, or, being seated, he must rise and make room, even for a younger man. At home he will have his maiden relatives to support in their isolation (and they will hold him to blame for their unwedded lives). A hearth with no wife to bless it — that is a condition he must

[1] Or "against illegitimate commerce."

[2] The celebrated iron money. Though the origin of this bulky currency was attributed to Lycurgus, it seems rather to have been merely a survival from prehistoric times when the baser metals circulated instead of gold and silver. Sparta had no coined money until the second century B.C.

[3] About $200.

face, and yet he will have to pay damages to the last farthing for incurring it. Let him not roam abroad with a smooth and smiling countenance; let him not imitate men whose fame is irreproachable, or he shall feel on his back the blows of his superiors. Such being the weight of infamy which is laid upon all cowards, I, for my part, am not surprised if in Sparta they deem death preferable to a life so steeped in dishonour and reproach.

That too was a happy enactment, in my opinion, by which Lycurgus provided for the continual cultivation of virtue, even to old age. By fixing the election to the council of elders [1] as a last ordeal at the goal of life, he made it impossible for a high standard of virtuous living to be disregarded even in old age. . . .

It may be added, that there is no doubt as to the great antiquity of this code of laws. The point is clear so far, that Lycurgus himself is said to have lived in the days of the Heracleidæ.[2] But being of so long standing, these laws, even at this day, still are stamped in the eyes of other men with all the novelty of youth. And the most marvellous thing of all is that, while everybody is agreed to praise these remarkable institutions, there is not a single state which cares to imitate them.

97. Athens the "School of Hellas" [3]

The *Funeral Oration* delivered by Pericles to commemorate those Athenians who had fallen in the first year of the Peloponnesian war (431 B.C.) almost certainly reproduces the ideas of the famous statesman, even if the style is that of the historian Thucydides, who reported him. The date of Thucydides's work is not known, though internal evidence indicates that it did not assume its present shape until after the close of the war in 404 B.C. Some authorities consider that the oration was written late in the life of Thucydides — was, in fact, his last composition.

We enjoy a form of government which is not in rivalry with the institutions of our neighbours, nay, we ourselves are rather

[1] The Spartan Senate, or Gerontia.

[2] Greek legend regarded the Heracleidæ (descendants of Heracles) as the leaders of the Dorian invasion of the Peloponnesus.

[3] Thucydides, ii, 37–41. Bernadotte Perrin, *Plutarch's Cimon and Pericles, with the Funeral Oration of Thucydides*, New York, 1910, pp. 165–168. Charles Scribner's Sons.

an example to many than imitators of others. By name, since the administration is not in the hands of few but of many, it is called a democracy. And it is true that before the law and in private cases all citizens are on an equality. But in public life every man is advanced to honor according to his reputation for ability, — not because of his party, but because of his excellence. And further, provided he is able to do the city good service, not even in poverty does he find any hindrance, since this cannot obscure men's good opinion of him. It is with a free spirit that we engage in public life, and in our scrutiny of one another's public life we are not filled with wrath at our neighbor if he consults his pleasure now and then, nor do we cast sour glances at him. These may do him no actual harm, but they offend his eye. Our private intercourse is thus free from all constraint, but in public matters we are kept back from transgression, and that too, for the most part, by a wholesome fear. This leads us to obey the regular magistrates and the laws, especially such as are enacted for the aid of the oppressed, and such as are unwritten and therefore involve their transgressor in a universal reprobation.

Furthermore, we above all men provide ourselves with spiritual refreshment after toil. Regular games and religious festivals fill our year, while the life we lead in private is refined. The daily enjoyment of all these blessings keeps dull care at bay. Because of the greatness of our city, the products of the whole earth stream in upon us, so that we enjoy the rich fruits of other men's labors with as intimate a relish as our own. Moreover, even in our military training we surpass our rivals. We give all men the freedom of our city, and never banish strangers merely to keep them from learning or seeing what, if there is no concealment, many a foe might see to his advantage. We put our trust not so much in deceitful diplomacy as in our own courageous efficiency. And in the matter of education, they devote themselves to toilsome exercises, from their very youth up, in order to achieve manliness; while we live far less strenuous lives, and yet are no less able to cope with the dangers which confront us. This can be proved. The Lacedæmonians invade our land not by themselves,

but with their whole confederacy, whereas we go alone into the land of our neighbors. And yet, though we are fighting on a foreign soil with men who are defending their homes, we usually have no difficulty in overpowering them. No foe has yet met our entire military force, because we not only support a navy, but on land too must send our own citizen soldiers on many undertakings. But they, when they happen to engage a small band of us, if they conquer a few of us, boast of having routed our whole force, and if they are beaten, protest that they were worsted by us all. If then we are determined to meet our perils with light hearts rather than after toilsome training, and with a valor based on character rather than on compulsion, the advantage is with us. We are not always anticipating the pain of future sufferings, and yet, as we face a crisis, we show ourselves no whit less daring than those who are forever enduring hardships.

And besides, our city deserves men's admiration for other things as well as for her exploits in war. For we cherish beauty in all simplicity, and wisdom without effeminacy. Our wealth supports timely action rather than noisy speech, and as for poverty, the admission of it is no disgrace to a man; not to forge one's way out of it is the real disgrace. The same citizens among us will be found devoted to their homes and to the state, and others who are immersed in business have no mean knowledge of politics. We are the only people to regard the man who takes no interest in politics not as careless, but as useless. In one and the same citizen body we either decide matters, or seek to form correct opinions about them, and we do not regard words as imcompatible with deeds, but rather the refusal to learn by discussion before advancing to the necessary action. We are preëminent in this, that we combine in the same citizen body great courage to undertake, and ample discussion of our undertakings; whereas in other men it is ignorance that gives boldness, and discussion that produces hesitation. Surely they will rightly be judged the bravest souls who most clearly distinguish the pains and pleasures of life, and therefore do not avoid danger. In our benevolence also we are the opposite of most men; it is

not by receiving, but by conferring favors that we win our friends. And he is a more constant friend who confers the favor and then tries to keep alive in the recipient, by continued kindness, a sense of obligation for it; whereas he who owes a favor is not so keen a friend, because he knows that when he repays the benevolence it will not be counted him as a favor conferred, but as a debt paid. We are the only men who aid our fellows not from calculation of our own advantage, but rather with a fearless trust which springs from true liberality. To sum up: I declare that our city in general is the school of Hellas, and that each individual man of us will, in my opinion, show himself able to exercise the most varied forms of activity with the greatest ease and grace.

98. A Meeting of the Athenian Assembly [1]

The *Acharnians* (425 B.C.), the third play exhibited by Aristophanes and the first of his works that has survived, was written to strengthen the hands of the peace party at Athens, a few years after the outbreak of the Peloponnesian war. The scene is a meeting of the popular assembly on the hill called the Pnyx; the principal character is an honest countryman named Dicæopolis.

DICÆOPOLIS. How many things there are to cross and vex me,
My comforts I compute at four precisely,
My griefs and miseries at a hundred thousand,
Let's see what there has happened to rejoice me
With any real kind of joyfulness;
Come, in the first place I set down five talents,
Which Cleon [2] vomited up again and refunded;
There I rejoiced; I loved the knights for that;
'Twas nobly done, for the interests of all Greece.
But again I suffered cruelly in the theatre
A tragical disappointment — There was I
Gaping to hear old Æschylus, when the Herald
Called out, "Theognis,[3] bring your chorus forward."

[1] Aristophanes, *Acharnenses*, 1–39. *The Works of John Hookham Frere*, London, 1872, vol. ii, pp. 7–9.

[2] A politician prominent after the death of Pericles in 429 B.C.

[3] A bad tragic poet, ridiculed in this play.

Imagine what my feelings must have been!
But then Dexitheus pleased me coming forward
And singing his Bœotian melody:
But next came Chæris with his music truly,
That turned me sick, and killed me very nearly.
But never in my lifetime, man nor boy,
Was I so vexed as at this present moment;
To see the Pnyx, at this time of the morning,
Quite empty, when the Assembly should be full.
There are our citizens in the market-place,
Lounging and talking, shifting up and down
To escape the painted twine that ought to sweep
The shoal of them this way; not even the presidents
Arrived — they're always last, crowding and jostling
To get the foremost seat; but as for peace
They never think about it — Oh, poor country!
As for myself, I'm always the first man.
Alone in the morning, here I take my place,
Here I contemplate, here I stretch my legs;
I think and think — I don't know what to think.
I draw conclusions and comparisons, . . .
I fidget about, and yawn and scratch myself;
Looking in vain to the prospect of the fields,
Loathing the city, longing for a peace,
To return to my poor village and my farm,
That never used to cry "Come, buy my charcoal!"
Nor "Buy my oil!" nor "Buy my anything!"
But gave me what I wanted, freely and fairly,
Clear of all cost, with never a word of buying,
Or such buy-words.[1] So here I'm come, resolved
To bawl, to abuse, to interrupt the speakers,
Whenever I hear a word of any kind
Except for an immediate peace. Ah there!
The presidents at last; see, there they come!
All scrambling for their seats — I told you so!

[1] Dicæopolis is one of the thousands of Attic peasants who have been driven from their country homes to take refuge behind the walls of Athens.

HERALD. Move forward there! Move forward all of ye
Further! within the consecrated ground.
AMPHITHEUS. Has anybody spoke?
HER. Is anybody
Prepared to speak?
AMP. Yes, I.
HER. Who are you and what?
AMP. Amphitheus the demigod.
HER. Not a man?
AMP. No; I'm immortal, for the first Amphitheus
Was born of Ceres and Triptolemus,
His only son was Keleüs, Keleüs married
Phænarete my grandmother, Lykinus
My father, was their son; that's proof enough
Of the immortality in our family.
The gods moreover have dispatched me here
Commissioned specially to arrange a peace
Betwixt this city and Sparta — notwithstanding
I find myself rather in want at present
Of a little ready money for my journey.
The magistrates won't assist me.
HER. Constables!
AMP. O Keleüs and Triptolemus, don't forsake me!
DIC. You presidents, I say! you exceed your powers;
You insult the Assembly, dragging off a man
That offered to make terms and give us peace.
HER. Keep silence there.
DIC. By Jove, but I won't be silent,
Except I hear a motion about peace.

99. Law Relating to the Athenian Assembly [1]

This law is quoted by Æschines in a speech delivered in 346 B.C.

If any public man, speaking in the senate or in the assembly of the people, shall not speak on the subject which is before the house, or shall fail to speak on each proposition separately, or

[1] Æschines, *In Timarchum*, 35. C. D. Adams, *The Speeches of Æschines*, London, 1919, p. 33. William Heinemann, Ltd.

shall speak twice on the same subject in one day, or if he shall speak abusively or slanderously, or shall interrupt the proceedings, or in the midst of the deliberations shall get up and speak on anything that is not in order, or shall shout approval, or shall lay hands on the presiding officer, on adjournment of the assembly or the senate the board of presidents are authorized to report his name to the collectors, with a fine or not more than 50 drachmas for each offence. But if he be deserving of heavier penalty, they shall impose a fine of not more than 50 drachmas, and refer the case to the senate or to the next meeting of the assembly. After due summons that body shall pass judgment; the vote shall be secret, and if he be condemned, the presiding officers shall certify the result to the collectors.

100. The Amphictyonic Oath [1]

The Delphic Amphictyony, the most notable of Greek religious federations, eventually included the principal tribes and city-states from Thessaly to the Peloponnesus. The council of the amphictyony, composed of deputies from the various member-communities, took the temple of Apollo at Delphi under its protection and superintended the Pythian games held there in honor of the god. This organization served in some measure as a peace agency. Regulations were made to secure a cessation of hostilities between members, at the time of the festival, and occasionally the council was called upon to arbitrate disputes between them. The amphictyony never acquired a recognized authority over all Greece, never became a Greek League of Nations. It was a power in interstate politics only when manipulated by a great state such as Thebes or Macedonia. It had, nevertheless, a long history and endured at least to the age of the Antonines in the second century of our era. The Athenian orator, Æschines, in a speech delivered in 343 B.C., preserves the terms of the ancient oath of the amphictyons.

At the same time I reviewed from the beginning the story of the founding of the shrine, and of the first synod of the Amphictyons that was ever held; and I read their oaths, in which the men of ancient times swore that they would raze no city of the Amphictyonic states, nor shut them off from flowing water either in war or in peace; that if anyone should violate this oath,

[1] Æschines, *De falsa legatione*, 115. C. D. Adams, *The Speeches of Æschines*, London, 1919, pp. 245, 247. William Heinemann, Ltd.

they would march against such an one and raze his cities;[1] and if anyone should violate the shrine of the god or be accessory to such violation, or make any plot against the holy places, they would punish him with hand and foot and voice, and all their power. To the oath was added a mighty curse.

101. The Peloponnesian League[2]

Thucydides preserves the brief terms of a treaty made in 418 B.C. by Lacedæmon with Argos, practically admitting the latter to the Peloponnesian League. This very informal organization had arisen during the sixth century B.C., as the outcome of treaties between the several city-states of southern Greece (excepting Argolis and part of Achæa) and Lacedæmon. The members agreed to provide military forces for wars waged by the league and to make occasional contributions of money, as required. The Spartan kings served as commanders-in-chief, and a congress of deputies met at Sparta to deliberate on common interests, particularly questions of war and peace. The freedom enjoyed by the members in their international relations shows that the league did not form a true federation. Such permanency as it possessed was due to the hegemony so long held by the Lacedæmonian city-state over her Peloponnesian neighbors. It lasted until 371 B.C., when the Thebans under Epaminondas overthrew the Lacedæmonians and their allies in the decisive battle of Leuctra.

It seems good to the Lacedæmonians and to the Argives to make peace and alliance for fifty years on the following conditions:

1. They shall submit to arbitration on fair and equal terms, according to their ancestral customs.

2. The other cities of Peloponnesus shall participate in the peace and alliance, and shall be independent and their own masters, retaining their own territory and submitting to arbitration on fair and equal terms, according to their ancestral customs.

3. All the allies of the Lacedæmonians outside Peloponnesus shall share in the same terms as the Lacedæmonians, and the

[1] A city which violated its amphictyonic oath could no longer claim the protection of that oath.

[2] Thucydides, v, 79. Benjamin Jowett, *Thucydides* (Second Edition), Oxford, 1900, vol. ii, pp. 163–164. Clarendon Press.

allies of the Argives shall be in the same position as the Argives, and shall retain their present territory.

4. If it shall be necessary to make an expedition in common against any place, the Lacedæmonians and the Argives shall consult together and fix the share in the war which may be equitably borne by the allies.

5. If any of the states, either within or without Peloponnesus, have a dispute about a frontier, or any other matter, the difference shall be duly settled. But should a quarrel break out between two of the allied cities, they shall appeal to some state which both the cities deem to be impartial.

6. Justice shall be administered to the individual citizens of each state according to their ancestral customs.

102. The Achæan League [1]

The Achæan League in its later form arose about 280 B.C., when four cities of Achæa threw off the Macedonian yoke and then combined for mutual protection. Neighboring cities followed their example, until all Achæa formed a federal state. Corinth, Argos, Sicyon, and other Peloponnesian communities subsequently joined the confederacy, which thus became a power to be reckoned with in international affairs. Its business was conducted by an assembly, where each city, whether large or small, had one vote. The assembly, meeting twice a year, chose a general, or president, levied taxes, raised armies, and carried on negotiations with foreign powers. This organization shows that the Achæan League was more than a mere alliance of city-states. It formed the first genuine federation that the world had ever seen, and its example was repeatedly cited by the American statesmen who framed the Constitution. During the first fifty years of its existence the league met a well-merited success, freeing the Peloponnesian cities from their overlords and vigorously asserting the cause of Greek independence against Macedonia. It finally dwindled in importance and in the second century B.C. it was dissolved by Rome. The historian Polybius, a part of whose account of the Achæan League is here quoted, had himself been a magistrate of the league and therefore wrote about it out of first-hand knowledge.

Though many statesmen had tried in past times to induce the Peloponnesians to join in a league for the common interests of all,

[1] Polybius, ii, 37–38. E. S. Shuckburgh, *The Histories of Polybius*, London, 1889, vol. i, pp. 133–134. Macmillan and Company, Ltd.

and had always failed, because every one was working to secure his own power rather than the freedom of the whole; yet in our day this policy has made such progress, and been carried out with such completeness, that not only is there in the Peloponnese a community of interests such as exists between allies or friends, but an absolute identity of laws, weights, measures, and currency. All the states have the same magistrates, senate, and judges. Nor is there any difference between the entire Peloponnese and a single city, except in the fact that its inhabitants are not included within the same wall; in other respects, both as a whole and in their individual cities, there is a nearly absolute assimilation of institutions.

It will be useful to ascertain, to begin with, how it came to pass that the name of the Achæans became the universal one for all the inhabitants of the Peloponnese. For the original bearers of this ancestral name have no superiority over others, either in the size of their territory and cities, or in wealth, or in the prowess of their men. For they are a long way off being superior to the Arcadians and Lacedæmonians in number of inhabitants and extent of territory; nor can these latter nations be said to yield the first place in warlike courage to any Greek people whatever. Whence then comes it that these nations, with the rest of the inhabitants of the Peloponnese, have been content to adopt the constitution and the name of the Achæans? To speak of chance in such a matter would not be to offer any adequate solution of the question, and would be a mere idle evasion. A cause must be sought; for without a cause nothing, expected or unexpected, can be accomplished. The cause then, in my opinion, was this. Nowhere could be found a more unalloyed and deliberately established system of equality and absolute freedom, and, in a word, of democracy, than among the Achæans. This constitution found many of the Peloponnesians ready enough to adopt it of their own accord: many were brought to share in it by persuasion and argument: some, though acting under compulsion at first, were quickly brought to acquiesce in its benefits; for none of the original members had any special privilege reserved for them, but equal rights were given to all comers: the object

aimed at was therefore quickly attained by the two most unfailing expedients of equality and fraternity. This then must be looked upon as the source and original cause of Peloponnesian unity and consequent prosperity.

103. Bonds of Union among the Greeks [1]

The consciousness of one race, the use of one language, the possession of one literature, one religion, and one set of customs created ties between the scattered city-states of the Greek world. They were ties which, "though light as air," might, in the presence of a common danger, prove to be "as strong as links of iron." Herodotus refers to them in a famous passage.

Thus spake the envoys. After which the Athenians returned this answer to Alexander: [2]

"We know, as well as thou dost, that the power of the Mede is many times greater than our own: we did not need to have *that* cast in our teeth. Nevertheless, we cling so to freedom that we shall offer what resistance we may. Seek not to persuade us into making terms with the barbarian — say what thou wilt, thou wilt never gain our assent. Return rather at once, and tell Mardonius that our answer to him is this: — 'So long as the sun keeps his present course, we will never join alliance with Xerxes. Nay, we shall oppose him unceasingly, trusting in the aid of those gods and heroes whom he has lightly esteemed, whose houses and whose images he has burnt with fire.' And come not thou again to us with words like these; nor, thinking to do us a service, persuade us to unholy actions. Thou art the guest and friend of our nation — we would not that thou shouldst receive hurt at our hands."

[1] Herodotus, viii, 143–144. George Rawlinson, *History of Herodotus* (Third Edition), London, 1875, vol. iv, pp. 370–371. John Murray.

[2] After the defeat of Salamis (480 B.C.) Xerxes returned home, leaving Mardonius with a strong army to complete the subjugation of Greece. The latter, before entering on the campaign that was to issue so disastrously at Platæa (479 B.C.), bent every effort to detach the Athenians from their associates, and for this purpose sent an embassy under Alexander, a Macedonian whose previous services to the Athenians had made him *persona grata* to them. According to Plutarch, the Athenian reply to Alexander's proposals was delivered by the celebrated Aristides.

Such was the answer which the Athenians gave to Alexander. To the Spartan envoys they said, —

"'Twas natural no doubt that the Lacedæmonians should be afraid we might make terms with the Barbarian; but nevertheless 'twas a base fear in men who knew so well of what temper and spirit we are. Not all the gold that the whole earth contains — not the fairest and most fertile of all lands — would bribe us to take part with the Medes and help them to enslave our countrymen. Even could we anyhow have brought ourselves to such a thing, there are many very powerful motives which would now make it impossible. The first and chief of these is the burning and destruction of our temples and the images of our gods, which forces us to make no terms with their destroyer, but rather to pursue him with our resentment to the uttermost. Again, there is our common brotherhood with the Greeks; our common language, the altars and the sacrifices of which we all partake, the common character which we bear — did the Athenians betray all these, of a truth it would not be well. Know then now, if ye have not known it before, that while one Athenian remains alive, we will never join alliance with Xerxes."

104. Ideal Hellenic Relations [1]

This selection from Plato's *Republic* throws a good deal of light upon the disunited Greece of the fourth century B.C. and the longing of many Greeks for better relations between the city-states. The principal speaker in the dialogue is Socrates.

It appears to me, that as there are two names in use, war and sedition, so there are two things representing two distinct kinds of disagreement. In the one case the parties are friends and relations, in the other, aliens and foreigners. Now when hostility exists among the former, it is called sedition; when between strangers, it is called war.

There is nothing unreasonable in what you say.

[1] Plato, *Republic*, 470–471. J. L. Davies and D. J. Vaughn, *The Republic of Plato* (Second Edition), London, 1858, pp. 204–206. Macmillan and Company, Ltd.

Observe whether what I am going to add is equally reasonable: I affirm that all the members of the Greek race are brethren and kinsmen to one another, but aliens and foreigners to the barbarian world.

True.

Therefore when Greeks and barbarians fight together, we shall describe them as natural enemies, warring against one another; and to this kind of hostility we shall give the name of *war:* but when Greeks are on this sort of footing with Greeks, we shall say that they are natural friends, but that in the case supposed Greece is in a morbid state of civil conflict; and to this kind of hostility we shall give the name of *sedition.*[1]

I quite assent to this view.

Then bear in mind, I said, that in what is now confessedly called sedition, wherever this state of things arises and a city is divided, if each party ravage the lands and burn the houses of the other, the conflict is thought a sinful one, and both parties are looked upon as unpatriotic; for had they been patriotic, they would never have had the heart to mangle their nurse and mother. But it is thought that the victorious party cannot in fairness do more than carry off the crops of its adversaries, and ought to feel that they will one day be reconciled again, and not continue at war for ever.

Yes, he said; this feeling betokens a far more humanized condition than the other.

Very good, and is not the city you are founding to be a Grecian city?

It certainly should be.

Then will not its citizens be gentle and humane?

Certainly they will.

And will they not be patriotic Greeks, looking upon all Hellas as their own country, and sharing with their fellow-countrymen in the rites of a common religion?

Most certainly they will.

[1] The name here applied to the party warfare, generally between an aristocratic and a democratic faction, which so often helped to make life interesting in Greek cities.

Thus regarding all the Greeks as their brethren, will they not look upon a quarrel with them in the light of a sedition, and refuse it the name of a war?

They will.

And therefore feel, throughout the quarrel, like persons who are presently to be reconciled?

Exactly so.

They will, therefore, correct them in a friendly spirit, and chastise them without any thought of enslaving or destroying them, — simply as schoolmasters, not as enemies.

Just so.

Then being Greeks, they will not devastate Greece, nor burn houses, nor admit that all the men, women, and children in a city are their foes; always confining this name to those few who were the authors of the quarrel. And on all these accounts they will refrain from laying waste the land, or razing the houses, because the owners are in most cases their friends: and they will push the quarrel only thus far, till the innocent have done justice upon the guilty who plague them.

I readily admit, he said, that our citizens ought to adopt these rules in their conduct towards their adversaries; while I would have them behave to barbarians as the Greeks now behave to one another.

105. The Roman Constitution [1]

The Greek historian, Polybius (*c.* 204–*c.* 122 B.C.), was born at Megalopolis, in Arcadia, the leading state in the Achæan League. His father had been prominent in the councils of the league, and he himself, while yet a young man, served as one of its trusted officers and advisers. Later, he was one of the thousand Achæan hostages whom the Romans took to Italy after the battle of Pydna in 168 B.C., which ended the third Macedonian war. The long residence of Polybius in Rome and his intimate relations with the highest circles of the capital city gave him opportunities for such a close study of the Roman government as had fallen to no previous historian. Great value attaches, therefore, to his description of the constitution at the end of the third century B.C., before the republic entered upon its downward course.

[1] Polybius, vi, 11–18. E. S. Shuckburgh, *The Histories of Polybius*, London, 1889, vol. i, pp. 468–473. Macmillan and Company, Ltd.

As for the Roman constitution, it had three elements, each of them possessing sovereign powers: and their respective share of power in the whole state had been regulated with such a scrupulous regard to equality and equilibrium, that no one could say for certain, not even a native, whether the constitution as a whole were an aristocracy or democracy or despotism. And no wonder: for if we confine our observation to the power of the Consuls we should be inclined to regard it as despotic; if on that of the Senate, as aristocratic; and if finally one looks at the power possessed by the people it would seem a clear case of a democracy. What the exact powers of these several parts were, and still, with slight modifications, are, I will now state.

The Consuls, before leading out the legions, remain in Rome and are supreme masters of the administration. All other magistrates, except the Tribunes,[1] are under them and take their orders. They introduce foreign ambassadors to the Senate; bring matters requiring deliberation before it; and see to the execution of its decrees. If, again, there are any matters of state which require the authorisation of the people, it is their business to see to them, to summon the popular meetings, to bring the proposals before them, and to carry out the decrees of the majority. In the preparations for war also, and in a word in the entire administration of a campaign, they have all but absolute power. It is competent to them to impose on the allies such levies as they think good, to appoint the Military Tribunes, to make up the roll for soldiers and select those that are suitable. Besides they have absolute power of inflicting punishment on all who are under their command while on active service: and they have authority to expend as much of the public money as they choose, being accompanied by a quæstor who is entirely at their orders. A survey of these powers would in fact justify our describing the constitution as despotic, — a clear case of royal government. . . .

The Senate has first of all the control of the treasury, and regulates the receipts and disbursements alike. . . . Similarly all crimes committed in Italy requiring a public investigation, such

[1] Tribunes of the plebs.

as treason, conspiracy, poisoning, or wilful murder, are in the hands of the Senate. Besides, if any individual or state among the Italian allies requires a controversy to be settled, a penalty to be assessed, help or protection to be afforded, — all this is the province of the Senate. Or again, outside Italy, if it is necessary to send an embassy to reconcile warring communities, or to remind them of their duty, or sometimes to impose requisitions upon them, or to receive their submission, or finally to proclaim war against them, — this too is the business of the Senate. In like manner the reception to be given to foreign ambassadors in Rome, and the answers to be returned to them, are decided by the Senate. With such business the people have nothing to do. Consequently, if one were staying at Rome when the Consuls were not in town, one would imagine the constitution to be a complete aristocracy: and this has been the idea entertained by many Greeks, and by many kings as well, from the fact that nearly all the business they had with Rome was settled by the Senate.

After this one would naturally be inclined to ask what part is left for the people in the constitution, when the Senate has these various functions, especially the control of the receipts and expenditure of the exchequer; and when the Consuls, again, have absolute power over the details of military preparation, and an absolute authority in the field? There is, however, a part left the people, and it is a most important one. For the people is the sole fountain of honour and of punishment; and it is by these two things and these alone that dynasties and constitutions and, in a word, human society are held together: for where the distinction between them is not sharply drawn both in theory and practice, there no undertaking can be properly administered, — as indeed we might expect when good and bad are held in exactly the same honour. The people then are the only court to decide matters of life and death; and even in cases where the penalty is money, if the sum to be assessed is sufficiently serious, and especially when the accused have held the higher magistracies. . . . Again, it is the people who bestow offices on the deserving, which are the most honourable rewards

of virtue. It has also the absolute power of passing or repealing laws; and, most important of all, it is the people who deliberate on the question of peace or war. And when provisional terms are made for alliance, suspension of hostilities, or treaties, it is the people who ratify them or the reverse. These considerations again would lead one to say that the chief power in the state was the people's, and that the constitution was a democracy.

Such, then, is the distribution of power between the several parts of the state. I must now show how each of these several parts can, when they choose, oppose or support each other.

The Consul, then, when he has started on an expedition with the powers I have described, is to all appearance absolute in the administration of the business in hand; still he has need of the support both of people and Senate, and, without them, is quite unable to bring the matter to a successful conclusion. For it is plain that he must have supplies sent to his legions from time to time; but without a decree of the Senate they can be supplied neither with corn, nor clothes, nor pay, so that all the plans of a commander must be futile, if the Senate is resolved either to shrink from danger or hamper his plans. And again, whether a Consul shall bring any undertaking to a conclusion or not depends entirely upon the Senate: for it has absolute authority at the end of a year to send another Consul to supersede him, or to continue the existing one in his command. . . . As for the people, the Consuls are preëminently obliged to court their favour, however distant from home may be the field of their operations; for it is the people, as I have said before, that ratifies, or refuses to ratify, terms of peace and treaties; but most of all because when laying down their office they have to give an account of their administration before it. Therefore in no case is it safe for the Consuls to neglect either the Senate or the good-will of the people.

As for the Senate, which possesses the immense power I have described, in the first place it is obliged in public affairs to take the multitude into account, and respect the wishes of the people; and it cannot put into execution the penalty for offenses against the republic, which are punishable with death, unless the people

first ratify its decrees. Similarly even in matters which directly affect the senators, — for instance, in the case of a law diminishing the Senate's traditional authority, or depriving senators of certain dignities and offices, or even actually cutting down their property, — even in such cases the people have the sole power of passing or rejecting the law. But most important of all is the fact that, if the Tribunes interpose their veto, the Senate not only is unable to pass a decree, but cannot even hold a meeting at all, whether formal or informal. Now, the Tribunes are always bound to carry out the decree of the people, and above all things to have regard to their wishes: therefore, for all these reasons the Senate stands in awe of the multitude, and cannot neglect the feelings of the people.

In like manner the people on its part is far from being independent of the Senate, and is bound to take its wishes into account both collectively and individually. . . . The most important point of all is that the judges are taken from its members in the majority of trials, whether public or private, in which the charges are heavy. Consequently, all citizens are much at its mercy; and being alarmed at the uncertainty as to when they may need its aid, are cautious about resisting or actively opposing its will. And for a similar reason men do not rashly resist the wishes of the Consuls, because one and all may become subject to their absolute authority on a campaign.

The result of this power of the several estates for mutual help or harm is a union sufficiently firm for all emergencies, and a constitution than which it is impossible to find a better.

106. Foundation of the Principate [1]

After the collapse of the republican cause at Philippi (42 B.C.), it remained to be decided who would be master of the new empire, Antony or Octavian. The decision was reached with the latter's victory over his rival in the naval battle of Actium (31 B.C.). Henceforth Octavian, better known by the title of *Augustus* (" Majestic ") bestowed upon him by the servile Senate, enjoyed almost unlimited power. He was as supreme as Julius Cæsar had ever been. Better than Julius Cæsar, how-

[1] *Monumentum Ancyranum*, 1–4. E. S. Shuckburgh, *Augustus*, London, 1903, pp. 293–294. Ernest Benn, Ltd.

ever, Augustus realized that an undisguised autocracy would only alienate public opinion and invite fresh plots and rebellions. He intended to be the real master, but he would also be careful to conceal his authority under republican forms. He called himself neither king, dictator, nor triumvir, but bore as his proudest title that of *Princeps* — the "First Citizen" of the state. Augustus ruled the Roman world for nearly half a century. Shortly before his death in 14 A.D. he composed a statement of all his acts from his nineteenth year — *Res gestæ Divi Augusti* ("Deeds of the Divine Augustus"). The brazen tablets on which his elaborate epitaph was inscribed were placed beside the door of his tomb in Rome. They have long since disappeared, but in the sixteenth century a copy of the inscription, both in Latin and in Greek, was found on the walls of a ruined temple at Angora (ancient Ancyra) in Asia Minor. The general trustworthiness of this record has been fully established, but in reading it one must keep in mind the anxiety of Augustus to pose as the savior of the state from its foes, and also to exhibit the constitutional basis of his authority. These two ideas appear again and again in the document.

When I was nineteen I collected an army on my own account and at my own expense, by the help of which I restored the republic to liberty, which had been enslaved by the tyranny of a faction; for which services the Senate, in complimentary decrees, added my name to the roll of their House in the consulship of Gaius Pansa and Aulus Hirtius,[1] giving me at the same time consular precedence in voting; and gave me [the] *imperium*. It ordered me as pro-prætor "to see along with the consuls that the republic suffered no damage." Moreover, in the same year, both consuls having fallen, the people elected me consul and a triumvir for revising the constitution.

Those who killed my [adoptive] father I drove into exile, after a legal trial, in punishment of their crime, and afterwards when these same men rose in arms against the republic I conquered them twice in a pitched battle.[2]

I had to undertake wars by land and sea, civil and foreign, all over the world, and when victorious I spared surviving citizens. Those foreign nations, who could safely be pardoned, I pre-

[1] 43 B.C.

[2] The only instance of a palpable distortion of fact in the record. Brutus completely defeated Octavian in the first battle of Philippi; the victory of the triumvirs came in the second battle, twenty days later.

ferred to preserve rather than exterminate. About 500,000 Roman citizens took the military oath to me. Of these I settled out in colonies or sent back to their own towns, after their terms of service were over, considerably more than 300,000; and to them all I assigned lands purchased by myself or money in lieu of lands. I captured six hundred ships, not counting those below the rating of triremes.

I twice celebrated an ovation, three times curule triumphs, and was twenty-one times greeted as imperator. Though the Senate afterwards voted me several triumphs I declined them. I frequently also deposited laurels in the Capitol after performing the vows which I had taken in each war. For successful operations performed by myself or by my legates under my auspices by land and sea, the Senate fifty-three times decreed a supplication to the immortal gods. The number of days during which, in accordance with a decree of the Senate, supplication was offered amounted to eight hundred and ninety. In my triumphs there were led before my chariot nine kings or sons of kings. I had been consul thirteen times at the writing of this, and am in the course of the thirty-seventh year of my tribunician power.[1]

107. Character of the Principate [2]

Dio Cassius (*c.* 150–*c.* 235 A.D.) wrote in Greek a *Roman History* from the foundation of the city to the seventh year of the reign of Alexander Severus (229 A.D.). It extended to no less than eighty books, and large parts of it have been preserved. The son of a senator and himself successively quæstor, ædile, prætor, and consul, Dio enjoyed ample opportunities for historical research. His familiarity with the Roman constitutional and administrative system gives to his work high value, especially for events in or near the author's time.

In this way all the power of the people and that of the senate reverted to Augustus, and from his time there was a genuine monarchy. Monarchy would be the truest name for it, no matter how much two and three hold the power together. This

[1] 13–14 A.D.

[2] Dio Cassius, *Historia Romana*, liii, 17–18. H. B. Foster, *Dio's Rome, an Historical Narrative*, Troy, N. Y., 1905–1906, vol. iv, pp. 79–82. Pafraet's Book Company.

name of monarch the Romans so detested that they called their emperors neither dictators nor kings nor anything of the sort. Yet since the management of the government devolves upon them, it can not but be that they are kings. The offices that commonly enjoy some legal sanction are even now maintained, except that of censor. Still, everything is directed and carried out precisely as the emperor at the time may wish. In order that they may appear to hold this power not through force, but according to law, the rulers have taken possession, — names and all, — of every position (save the dictatorship) which under the democracy was of mighty influence among the citizens who bestowed the power. They very frequently become consuls and are always called proconsuls whenever they are outside the *pomerium*.[1] The title of imperator is invariably given not only to such as win victories but to all the rest, to indicate the complete independence of their authority, instead of the name "king" or "dictator." These particular names they have never assumed since the terms first fell out of use in the State, but they are confirmed in the prerogatives of these positions by the appellation of imperator.

By virtue of the titles mentioned they get the right to make enrollments, to collect moneys, declare wars, make peace, rule foreign and native territory alike everywhere and always, even to the extent of putting to death both knights and senators within the *pomerium*, and all the other privileges once granted to the consuls and other officials with full powers. By virtue of the office of censor they investigate our lives and characters and take the census. Some they list in the equestrian and senatorial class and others they erase from the roll, as pleases them. By virtue of being consecrated in all the priesthoods and furthermore having the right to give the majority of them to others and from the fact that *one* of the high priests (if there be two or three holding office at once) is chosen from their number, they are themselves also masters of holy and sacred things. The so-called tribunician authority which the men of very greatest

[1] The open space immediately around the city of Rome, both within and without the walls.

attainment used to hold gives them the right to stop any measure brought up by some one else, in case they do not join in approving it, and to be free from personal abuse. Moreover if they are thought to be wronged in even the slightest degree, not merely by action but even by conversation, they may destroy the guilty party without a trial as one polluted. They do not think it lawful to be tribune, because they belong altogether to the patrician class, but they assume all the power of the tribuneship undiminished from the period of its greatest extent; and thereby the enumeration of the years they have held the office in question goes forward on the assumption that they receive it year by year along with the others who are successively tribunes. Thus by these names they have secured these privileges in accordance with all the various usages of the democracy, in order that they may appear to possess nothing that has not been given them.

They have gained also another prerogative which was given to none of the ancient Romans outright to apply to all cases, and it is through this alone that it would be possible for them to hold the above offices and any others besides. They are freed from the action of the laws, as the very words in Latin indicate. That is, they are liberated from every consideration of compulsion and are subjected to none of the written ordinances. So by virtue of these democratic names they are clothed in all the strength of the government and have all that appertains to kings except the vulgar title. "Cæsar" or "Augustus" as a mode of address confers upon them no distinct privilege of its own, but shows in the one case the continuance of their family and in the other the brilliance and dignity of their position. The salutation "father" perhaps gives them a certain authority over us which fathers once had over their children. It was not used, however, for this purpose in the beginning, but for their honor, and to admonish them to love their subjects as they would their children, while the subjects were to respect them as they respect their fathers.

Such is the number and quality of the titles to which those in power are accustomed, according to the laws and according to what has now become tradition. At present all of them are, as a

rule, bestowed upon the rulers at once, except the title of censor: to the earlier emperors they were voted separately and from time to time. Some of the emperors took the censorship in accordance with ancient custom and Domitian [1] took it for life. This is, however, no longer done at the present day. They possess its powers and are not chosen for it and do not employ its name except in the censuses.

108. The Roman and the Provincial [2]

Claudius in 48 A.D. addressed the Senate on the question of admitting as senators certain provincials from the Gallic provinces known as the Tres Galliæ. The emperor considered his speech of sufficient importance to have it engraved on brass tablets, and this inscription has in part survived. Tacitus gives us his own briefer version of the imperial oration, with which it agrees in spirit if not in language.

My ancestors, the most ancient of whom was made at once a citizen and a noble of Rome, encourage me to govern by the same policy of transferring to this city all conspicuous merit, wherever found. And indeed I know, as facts, that the Julii came from Alba, the Coruncanii from Camerium, the Porcii from Tusculum, and, not to inquire too minutely into the past, that new members have been brought into the Senate from Etruria and Lucania and the whole of Italy, that Italy itself was at last extended to the Alps, to the end that not only single persons but entire countries and tribes might be united under our name. We had unshaken peace at home; we prospered in all our foreign relations, in the days when Italy beyond the Po was admitted to share our citizenship, and when, enrolling in our ranks the most vigorous of the provincials, under colour of settling our legions throughout the world, we recruited our exhausted empire. Are we sorry that the Balbi came to us from Spain, and other men not less illustrious from Narbon Gaul? Their descendants are still among us, and do not yield to us in patriotism.

What was the ruin of Sparta and Athens, but this, that mighty

[1] Emperor, 81–96 A.D.

[2] Tacitus, *Annales*, xi, 24. A. J. Church and W. J. Brodribb, *Annals of Tacitus*, London, 1869, pp. 192–193. Macmillan and Company, Ltd.

as they were in war, they spurned from them as aliens those whom they had conquered? Our founder Romulus, on the other hand, was so wise that he fought as enemies and then hailed as fellow-citizens several nations on the very same day. Strangers have reigned over us. That freedmen's sons should be intrusted with public offices is not, as many wrongly think, a sudden innovation, but was a common practice in the old commonwealth. But, it will be said, we have fought with the Senones. I suppose then that the Volsci and Æqui never stood in array against us. Our city was taken by the Gauls. Well, we also gave hostages to the Etruscans, and passed under the yoke of the Samnites. On the whole, if you review all our wars, never has one been finished in a shorter time than that with the Gauls. Thenceforth they have preserved an unbroken and loyal peace. United as they now are with us by manners, education, and intermarriage, let them bring us their gold and their wealth rather than enjoy it in isolation. Everything, Senators, which we now hold to be of the highest antiquity, was once new. Plebeian magistrates came after patrician; Latin magistrates after plebeian; magistrates of other Italian peoples after Latin. This practice too will establish itself, and what we are this day justifying by precedents, will be itself a precedent.

109. Rome Mistress of the World [1]

Claudius Claudianus, Rome's first professional court-poet, flourished during the reign of Arcadius and Honorius. He was a client of the great Vandal general, Stilicho, whose victories over the invading barbarians inspired some of the best of his verse. The panegyric on Stilicho's consulship here quoted was probably written about 400 A.D.

Consul, all but peer of the gods, protector of a city greater than any that upon earth the air encompasseth, whose amplitude no eye can measure, whose beauty no imagination can picture, whose praise no voice can sound, who raises a golden head amid the neighbouring stars and with her seven hills imitates the seven regions of heaven, mother of arms and of law,

[1] Claudian, *De consulatu Stilichonis*, iii, 130–176. Maurice Platnauer, *Claudian*, London, 1922, vol. ii, pp. 53, 55. William Heinemann, Ltd.

who extends her sway o'er all the earth and was the earliest cradle of justice, this is the city which, sprung from humble beginnings, has stretched to either pole, and from one small place extended its power so as to be co-terminous with the sun's light. Open to the blows of fate while at one and the same time she fought a thousand battles, conquered Spain, laid siege to the cities of Sicily, subdued Gaul by land and Carthage by sea, never did she yield to her losses nor show fear at any blow, but rose to greater heights of courage after the disasters of Cannæ and Trebia, and, while the enemy's fire threatened her, and her foe [1] smote upon her walls, sent an army against the furthest Iberians. Nor did Ocean bar her way; launching upon the deep, she sought in another world for Britons to be vanquished. 'Tis she alone who has received the conquered into her bosom and like a mother, not an empress, protected the human race with a common name, summoning those whom she has defeated to share her citizenship and drawing together distant races with bonds of affection. To her rule of peace we owe it that the world is our home, that we can live where we please, and that to visit Thule [2] and explore its once dreaded wilds is but a sport; thanks to her all and sundry may drink the waters of the Rhône and quaff Orontes' [3] stream, thanks to her we are all one people.

Nor will there ever be a limit to the empire of Rome, for luxury and its attendant vices, and pride with sequent hate have brought to ruin all kingdoms else. 'Twas thus that Sparta laid low the foolish pride of Athens but to fall herself a victim to Thebes; thus that the Mede deprived the Assyrian of empire and the Persian the Mede. Macedonia subdued Persia and was herself to yield to Rome. But Rome found her strength in the oracles of the Sibyl, her vigour in the hallowed laws of Numa. For her Jove brandishes his thunderbolts; 'tis she to whom Minerva offers the full protection of her shield; to her Vesta brought her sacred flame, Bacchus his rites, and the turret-

[1] Hannibal, in the second Punic war.
[2] Ultima Thule, the most northerly part of Europe.
[3] A river of Syria, on whose banks lay the great city of Antioch.

crowned mother of the gods [1] her Phrygian lions. Hither to keep disease at bay came, gliding with steady motion, the snake whose home was Epidaurus, and Tiber's isle gave shelter to the Pæonian serpent from beyond the sea.[2]

This is the city whom thou, Stilicho, and heaven guard, her thou protectest, mother of kings and generals, mother, above all, of thee.

110. The Twelve Tables [3]

The history of Roman law begins with the publication of the Twelve Tables — Lex XII Tabularum. This code was drawn up by two commissions of ten men each, working in successive years (451–449 B.C.?). The laws have come down to us in very fragmentary form, being preserved only as quotations in the writings of Cicero, Festus, Gaius, and other ancient authorities. The Twelve Tables must be regarded as a compilation of Roman customs and precedents hitherto known only to magistrates and priests, who belonged to the aristocratic or patrician class. Being unwritten and, furthermore, being administered by the patricians, they could be used and were used for the oppression of the plebeians. Their publication formed, therefore, a triumph for the common folk, who had demanded the "equalizing of liberty." The laws contained in this early code were expressed with great brevity and with something of a rhythmical cadence that must have facilitated memorizing them. Cicero declares that even in his time children had to commit them to memory as a regular school task — "a sing-song imposed by fate" (*De legibus*, ii, 23). In the translation subjoined the missing or very fragmentary sections in each Table are omitted.

I

1. If [a man] call [another] to law, he shall go. If he go not, they shall witness it; then he shall be seized.

2. If he flee or evade, lay hands on him as he goes.

3. If illness or age hinder, an ox-team shall be given him, but not a covered carriage, if he [defendant?] does not wish.

[1] Cybele, or Magna Mater.

[2] The introduction of the cult of Æsculapius, the Greek god of healing, is here referred to.

[3] C. G. Bruns, *Fontes juris Romani antiqui* (Seventh Edition), Leipzig, 1909, pp. 17–40. Albert Kocourek and J. H. Wigmore, *Sources of Ancient and Primitive Law*, Boston, 1915, pp. 465–468. Translated by J. H. Wigmore. Little, Brown, and Company.

4. For a rich citizen the surety shall be a rich one; for a poor one, whoever offers shall be surety.

6. Where they settle the matter, let it be told.

7. If they settle not, they shall join issue in the assembly or in the forum before midday, then they shall plead and prove, both being present.

8. After midday, the cause shall be adjudged to the party present [if the other has failed to appear].

9. If both attend, sunset shall be the last moment [of the cause].

II

2. A grievous illness . . . or a date sworn with a non-citizen . . . if any of these happen to judge or arbiter or defendant, the date [for the suit] shall be put over.

3. He who needs a witness shall within three days go to his house and notify him.

III

1. In suits of money debt, after judgment by law, thirty days shall be allowed.

2. Afterwards, he shall be hand-grasped, and led to law.

3. If he do not what is adjudged, or if no one becomes surety for him as he goes to court, he shall be led away and bound with fetters or shackles of weight not more than 15 [pounds], or if he [plaintiff] wills, of lesser weight.

4. If [the debtor] will, he shall feed at his own cost. If not, he who has him bound shall give a pound of meal a day, more if he wishes.

6. On the third market day,[1] they may divide up his [body-] parts. If they divide more or less [than each one's share], it shall not be wrongful.

7. Against a non-citizen, there shall be a perpetual right. . . .

[1] The Roman market day began (or closed) the market week (*nundinum*), a cycle of eight days.

IV

2. If a father thrice give his son for sale, the son shall be free from the father.

V

3. As a man [when alive] shall have ordered concerning his money or the custody of his estate, so the law shall do.

4. If he dies without a will, and no heir of his exists, the nearest agnate [1] shall have the family.

5. If no agnate exists, the gentiles [2] shall have the family.

7. If a man becomes insane, his money and his family power shall go to his agnates and gentiles. . . .

VI

1. When a contract or transfer is to be made, what the tongue has pronounced, so the law shall do.

5. If [two] men contend with hands before the court. . . .

7. Timber once built into [another person's] house or vine-trellis shall not be taken out of its place [by the former owner].

VII

7. [The abutting owner] shall wall the highway. If the stone work fall into disrepair, [the traveller] may drive his team whither he will.

8. If rain-water [from the neighbor's eaves] does harm. . . .

VIII

1. Whoever shall chant an evil spell. . . .

2. If [a man] has broken the limb [of another] and does not settle with him, let there be retaliation.

3. If [a man] with fist or club breaks the bone [of another] he is liable to penalty, of 300 [pence] if done to a free man, 150 if done to a slave.

4. If he makes an assault, 25 [pence] are the penalty.

[1] *Agnatio* was the Latin name for real or adoptive descent from one father.

[2] Members of a *gens*.

12. If by night [a man] have done a theft, and [the owner] kill him, let him be [as if] killed by law.

13. If by daylight . . . [a man commit a theft, and] defend himself with a spear . . . [you may kill him] and shall make hue and cry.

16. If he does a theft but he is not detected in the act . . . [double value shall be paid].

21. If a patron defrauds a client, he shall be accursed.

22. He who has promised to bear witness or has acted as weigher, if he bear not testimony [when required], shall be deemed a miscreant and disqualified thereafter to be a witness.

24. If a spear escape from the hand, without being thrown . . . [and kill another person, atonement shall be made].

IX [Missing]

1. A dead man you shall not bury or burn within the city.[1]

2. [Funeral trappings and expenses may be . . .] more than this you shall not do. The pyre-wood shall not be smoothed with an axe.

4. Women shall not tear their faces, nor make excessive lamentation for the dead.

5. You shall not take up the bones of a dead man to have another funeral.

7. He who obtains a prize, whether in person or by his property,[2] or earns a reward of valor, . . . [these may be buried with him].

8. [Jewels, silver], . . . or gold shall not be included [in the funeral corse]. But if the deceased's teeth are filled with gold, that may be buried or burned with him, and it shall not be accounted wrongful.

XI [Missing]

[1] The Romans had been accustomed to bury the dead in their own houses.

[2] *I.e.*, slaves or horses, in races, etc.

XII

3. If a man has made [and won] a false claim of property, . . . three arbiters be named, and on their judgment . . . double damages shall be awarded.

111. Preface to the "Institutes" [1]

Until the reign of Justinian the sources of Roman law, including the legislation of the popular assemblies, the decrees of the Senate, the edicts of prætors and emperors, and the decisions of learned lawyers, had never been completely collected and arranged in scientific form. Justinian appointed a commission of eminent jurists to perform this task, so that "the entire ancient law, in a state of confusion for some fourteen hundred years and now by us made clear, may be, so to speak, inclosed within a wall and have nothing left outside it." The result of their labors, in which the emperor himself assisted, was the compilation of the *Corpus Juris Civilis* ("Body of Civil Law"), between 529–533. Its main divisions are: (1) the *Code*, in twelve books, containing imperial statutes from the third century A.D.; (2) the *Digest*, or *Pandects*, in fifty books, made up of extracts from the opinions of Roman lawyers; and (3) the *Institutes*, in four books, an elementary textbook for students. Justinian subsequently issued many new statutes, or *Novellæ* (*Novels*), which came to be regarded as a part of the *Corpus Juris Civilis*.

The imperial majesty should be not only made glorious by arms, but also strengthened by laws, that, alike in time of peace and in time of war, the state may be well governed, and that the emperor may not only be victorious in the field of battle, but also may by every legal means repel the iniquities of men who abuse the laws, and may at once religiously uphold justice and triumph over his conquered enemies.

By our incessant labours and great care, with the blessing of God, we have attained this double end. The barbarian nations reduced under our yoke know our efforts in war; to which also Africa and very many other provinces bear witness, which, after so long an interval, have been restored to the dominion of Rome and our empire, by our victories gained through the favour of heaven. All nations moreover are governed by laws which we have already either promulgated or compiled.

[1] T. C. Sandars, *The Institutes of Justinian* (Seventh Edition), London, 1883, pp. 1–3. Longmans, Green, and Company, Ltd

When we had arranged and brought into perfect harmony the hitherto confused mass of imperial constitutions,[1] we then extended our care to the vast volumes of ancient law; and, sailing as it were across the mid ocean, have now completed, through the favour of heaven, a work that once seemed beyond hope.[2]

When by the blessing of God this task was accomplished, we summoned the most eminent Tribonian, master and ex-quæstor of our palace, together with the illustrious Theophilus and Dorotheus, professors of law, all of whom have on many occasions proved to us their ability, legal knowledge, and obedience to our orders; and we have specially charged them to compose, under our authority and advice, Institutes, so that you may no more learn the first elements of law from old and erroneous sources, but apprehend them by the clear light of imperial wisdom; and that your minds and ears may receive nothing that is useless or misplaced, but only what obtains in actual practice. So that, whereas, formerly, the junior students could scarcely, after three years' study, read the imperial constitutions, you may now commence your studies by reading them, you who have been thought worthy of an honour and a happiness so great as that the first and last lessons in the knowledge of the law should issue for you from the mouth of the emperor.

When therefore, by the assistance of the same eminent person Tribonian and that of other illustrious and learned men, we had compiled the fifty books, called Digests or Pandects, in which is collected the whole ancient law, we directed that these Institutes should be divided into four books, which might serve as the first elements of the whole science of law.

In these books a brief exposition is given of the ancient laws and of those also, which, overshadowed by disuse, have been again brought to light by our imperial authority.

These four books of Institutes thus compiled, from all the Institutes left us by the ancients, and chiefly from the commentaries of our Gaius,[1] both in his Institutes, and in his work

[1] *I.e.*, the *Code*.
[2] *I.e.*, the *Digest*.

on daily affairs, and also from many other commentaries, were presented to us by the three learned men we have above named. We have read and examined them and have accorded to them all the force of our constitutions.

Receive, therefore, with eagerness, and study with cheerful diligence, these our laws, and show yourselves persons of such learning that you may conceive the flattering hope of yourselves being able, when your course of legal study is completed, to govern our empire in the different portions that may be entrusted to your care.[2]

[1] The lectures of the famous jurist, Gaius, who flourished under Hadrian and the Antonines, formed an introduction to Roman law. They have survived in a single manuscript, which was discovered in 1816 at Verona.

[2] This Preface, addressed by Justinian to "the youth desirous of studying the law," was written at Constantinople in 533.

SECTION VIII

ECONOMIC CONDITIONS

112. The Shield of Achilles [1]

Homer's description of the shield which Hephæstus, the divine smith, fashioned at the request of the goddess Thetis for her son Achilles is a vivid picture of the poet's world, especially of the life and occupations of the people.

First fashioned he a shield great and strong, adorning it all over, and set thereto a shining rim, triple, bright-glancing, and therefrom a silver baldrick. Five were the folds of the shield itself: and therein fashioned he much cunning work from his wise heart.[2]

There wrought he the earth, and the heavens, and the sea, and the unwearying sun, and the moon waxing to the full, and the signs every one wherewith the heavens are crowned, Pleiads and Hyads and Orion's might, and the Bear that men call also the Wain, her that turneth in her place and watcheth Orion, and alone hath no part in the baths of Ocean.[3]

Also he fashioned therein two fair cities of mortal men. In the one were espousals and marriage feasts, and beneath the blaze of torches they were leading the brides from their chambers through the city, and loud arose the bridal song. And young men were whirling in the dance, and among them flutes and viols sounded high; and the women standing each at her door were marvelling. But the folk were gathered in the assembly place; for there a strife was arisen, two men striving about the blood-

[1] *Iliad*, xviii, 478–608. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 380–385. Macmillan and Company, Ltd.

[2] The poet clearly has in mind a large round shield, with parallel bands of ornament. The pictures are inlaid with various metals — gold, silver, tin — and with blue glass (cyanus).

[3] These constellations, along with Boötes (*Odyssey*, v, 272) are the only ones recognized by Homer.

price of a man slain; the one claimed to pay full atonement, expounding to the people, but the other denied him and would take naught; and both were fain to receive arbitrament at the hand of a daysman. And the folk were cheering both, as they took part on either side. And heralds kept order among the folk, while the elders on polished stones were sitting in the sacred circle, and holding in their hands staves from the loud-voiced heralds. Then before the people they rose up and gave judgment each in turn. And in the midst lay two talents [1] of gold, to be given unto him who should plead among them most righteously.

But around the other city were two armies in siege with glittering arms. And the two counsels found favour among them, either to sack the town or to share all with the townsfolk even whatsoever substance the fair city held within. But the besieged were not yet yielding, but arming for an ambushment. On the wall there stood to guard it their dear wives and infant children, and with these the old men; but the rest went forth, and their leaders were Ares and Pallas Athene, both wrought in gold, and golden was the vesture they had on. Goodly and great were they in their armour, even as gods, far seen around, and the folk at their feet were smaller. And when they came where it seemed good to them to lay ambush, in a river bed where there was a common watering-place of herds, there they set them, clad in glittering bronze. And two scouts were posted by them afar off to spy the coming of flocks and of oxen with crooked horns. And presently came the cattle, and with them two herdsmen playing on pipes, that took no thought of the guile. Then the others when they beheld these ran upon them and quickly cut off the herds of oxen and fair flocks of white sheep, and slew the shepherds withal. But the besiegers, as they sat before the speech-places [2] and heard much din among the oxen, mounted forthwith behind their high-stepping horses, and came up with

[1] The Homeric poems contain no reference to coined money. Two units of value were in use: one, the cow (or ox), or the value of a cow; the other, the talent. The latter was a small weight of gold, far less in amount than the later Attic talent.

[2] From which the orators spoke.

speed. Then they arrayed their battle and fought beside the river banks, and smote one another with bronze-shod spears. And among them mingled Strife and Tumult, and fell Death, grasping one man alive fresh-wounded, another without wound, and dragging another dead through the mellay by the feet; and the raiment on her shoulders was red with the blood of men. Like living mortals they hurled together and fought, and haled the corpses each of the other's slain.

Furthermore he set in the shield a soft fresh-ploughed field, rich tilth and wide, the third time ploughed; and many ploughers therein drave their yokes to and fro as they wheeled about. Whensoever they came to the boundary of the field and turned, then would a man come to each and give into his hands a goblet of sweet wine, while others would be turning back along the furrows, fain to reach the boundary of the deep tilth. And the field grew black behind and seemed as it were a-ploughing, albeit of gold, for this was the great marvel of the work.

Furthermore he set therein the demesne-land of a king, where hinds were reaping with sharp sickles in their hands. Some armfuls along the swathe were falling in rows to the earth, whilst others the sheaf-binders were binding in twisted bands of straw. Three sheaf-binders stood over them, while behind boys gathering corn and bearing it in their arms gave it constantly to the binders; and among them the king in silence was standing at the swathe with his staff, rejoicing in his heart. And henchmen apart beneath an oak were making ready a feast, and preparing a great ox they had sacrificed; while the women were strewing much white barley to be a supper for the hinds.

Also he set therein a vineyard teeming plenteously with clusters, wrought fair in gold; black were the grapes, but the vines hung throughout on silver poles. And around it he ran a ditch of cyanus, and round that a fence of tin; and one single pathway led to it, whereby the vintagers might go when they should gather the vintage. And maidens and striplings in childish glee bare the sweet fruit in plaited baskets. And in the midst of them a boy made pleasant music on a clear-toned viol, and sang thereto a sweet Linos-song with delicate voice; while

the rest with feet falling together kept time with the music and song.

Also he wrought therein a herd of kine with upright horns, and the kine were fashioned of gold and tin, and with lowing they hurried from the byre to pasture beside a murmuring river, beside the waving reed. And herdsmen of gold were following with the kine, four of them, and nine dogs fleet of foot came after them. But two terrible lions among the foremost kine had seized a loud-roaring bull that bellowed mightily as they haled him, and the dogs and the young men sped after him. The lions rending the great bull's hide were devouring his vitals and his black blood; while the herdsmen in vain tarred on their fleet dogs to set on, for they shrank from biting the lions but stood hard by and barked and swerved away.

Also the glorious lame god wrought therein a pasture in a fair glen, a great pasture of white sheep, and a steading, and roofed huts, and folds.

Also did the glorious lame god devise a dancing place like unto that which once in wide Knossos Daidalos wrought for Ariadne of the lovely tresses. There were youths dancing and maidens of costly wooing, their hands upon one another's wrists. Fine linen the maidens had on, and the youths well-woven doublets faintly glistening with oil. Fair wreaths had the maidens, and the youths daggers of gold hanging from silver baldrics. And now would they run round with deft feet exceeding lightly, as when a potter sitting by his wheel that fitteth between his hands maketh trial of it whether it run: and now anon they would run in lines to meet each other. And a great company stood round the lovely dance in joy; and among them a divine minstrel was making music on his lyre, and through the midst of them, leading the measure, two tumblers whirled.[1]

Also he set therein the great might of the River of Ocean[2] around the uttermost rim of the cunningly-fashioned shield.

[1] Such a dancing-place, or orchestra, has been found in the ruins of the palace at Knossos.

[2] The ocean was thought of as a great river encircling the earth.

113. The Palace of Alcinoüs [1]

This description of the royal residence on Scheria, the Phæacian island where Odysseus was shipwrecked, accords closely with actual remains of the Ægean Age as revealed by modern explorations.

Meanwhile Odysseus went to the famous palace of Alcinoüs, and his heart was full of many thoughts as he stood there or ever he had reached the threshold of bronze. For there was a gleam as it were of sun or moon through the high-roofed hall of great-hearted Alcinoüs. Brazen were the walls which ran this way and that from the threshold to the inmost chamber, and round them was a frieze of blue,[2] and golden were the doors that closed in the good house. Silver were the door-posts that were set on the brazen threshold, and silver the lintel thereupon, and the hook of the door was of gold. And on either side stood golden hounds and silver, which Hephæstus wrought by his cunning, to guard the palace of great-hearted Alcinoüs, being free from death and age all their days. And within were seats arrayed against the wall this way and that, from the threshold even to the inmost chamber,[3] and thereon were spread light coverings finely woven, the handiwork of women. There the Phæacian chieftains were wont to sit eating and drinking, for they had continual store. Yea, and there were youths fashioned in gold, standing on firm-set bases, with flaming torches in their hands, giving light through the night to the feasters in the palace. And he had fifty handmaids in the house, and some grind the yellow grain on the millstone, and others weave webs and turn the yarn as they sit, restless as the leaves of the tall poplar tree: and the soft olive oil drops off that linen, so closely is it woven. For as the Phæacian men are skilled beyond all others in driving a swift ship upon the deep, even so are the women the most cunning at the loom, for Athene hath given them notable wisdom in all fair handiwork and cunning wit.

[1] *Odyssey*, vii, 81–132. S. H. Butcher and Andrew Lang, *The Odyssey of Homer*, London, 1879, pp. 105–107. Macmillan and Company, Ltd.

[2] A similar frieze of alabaster, inlaid with blue glass, was found by Schliemann in the palace-citadel of Tiryns.

[3] Such wall seats were uncovered by Sir Arthur Evans in the palace at Knossos.

And without the courtyard hard by the door is a great garden, of four ploughgates, and a hedge runs round on either side. And there grow tall trees blossoming, pear-trees and pomegranates, and apple-trees with bright fruit, and sweet figs, and olives in their bloom. The fruit of these trees never perisheth neither faileth, winter nor summer, enduring through all the year. Evermore the West Wind blowing brings some fruits to birth and ripens others. Pear upon pear waxes old, and apple on apple, yea and cluster ripens upon cluster of the grape, and fig upon fig. There too hath he a fruitful vineyard planted, whereof the one part is being dried by the heat, a sunny plot on level ground, while other grapes men are gathering, and yet others they are treading in the wine-press. In the foremost row are unripe grapes that cast the blossom, and others there be that are growing black to vintaging. There too, skirting the furthest line, are all manner of garden beds, planted trimly, that are perpetually fresh, and therein are two fountains of water, whereof one scatters his streams all about the garden, and the other runs over against it beneath the threshold of the courtyard, and issues by the lofty house, and thence did the townsfolk draw water. These were the splendid gifts of the gods in the palace of Alcinoüs.

114. Rural Economy [1]

Hesiod lived and wrote didactic poetry in a village near Mount Helicon in Bœotia. His date cannot be exactly fixed; the best ancient authorities placed him in the eighth century B.C. His chief poem is called *Works and Days*, because it treated of the farmer's tasks and of the times which, according to popular superstition, were good or bad for doing them. The poem consists of three parts: an introduction addressed by Hesiod to his younger and "foolish" brother Perses and composed of various ethical precepts; the "Works" proper, a collection of hints and rules relating particularly to husbandry; and then the calendar of "Days." Homer had written about the adventurous lives of Greek warriors and kings; Hesiod, in much soberer verse, tells of the toilsome existence of a farmer in one of the inland parts of Greece.

[1] Hesiod, *Opera et dies*, 405–617. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, pp. 15–23. Clarendon Press.

Get a house first and a woman and a plowing ox — a slave woman — not a wife — who might also follow the oxen: and get all gear arrayed within the house, lest thou beg of another and he deny thee and thou go lacking, and the season pass by, and thy work be minished. Neither put off till the morrow nor the day after. The idle man filleth not his barn, neither he that putteth off. Diligence prospereth work, but the man who putteth off ever wrestleth with ruin.

What time the might of the keen sun abateth sweltering heat, when Zeus Almighty raineth in the autumn and the flesh of men turneth lighter far — for then the star Sirios goeth over the heads of men born to death but for a brief space in the daytime, and taketh a greater space of the night — then is wood cut with iron axe less liable to be wormeaten, but sheddeth its leaves to earth and ceaseth to sprout. Then be thou mindful to cut wood: a seasonable work. . . .

Take heed what time thou hearest the voice of the crane from the high clouds uttering her yearly cry, which bringeth the sign for plowing and showeth forth the season of rainy winter, and biteth the heart of him that hath no oxen. Then feed thou the oxen of crooked horn in their stalls. For an easy thing it is to say, Give me a team of oxen, and a waggon; but easy also is it to refuse: Mine oxen have work to do. The man whose wealth is in his imagining saith he will build a waggon. Fool! who knoweth not that a waggon hath a hundred beams? Whereof take thou thought beforehand to lay them up at home. And when first plowing appeareth for men, then haste thyself and thy thralls in wet and dry to plow in the season of sowing, hasting in the early morn that so thy fields may be full. Plow in spring, but the field that is fallowed in summer will not belie thee. Sow the fallow field while yet the soil is light. Fallow land is a defender of doom, a comforter of children.

And pray thou unto Zeus the Lord of Earth and unto pure Demeter that the holy grain of Demeter may be full and heavy: thus pray thou when first thou dost begin thy plowing, when grasping in thy hand the end of the stilt-handle thou comest down on the backs of the oxen as they draw the pole by the yoke collar.

And let a young slave follow behind with a mattock and cause trouble to the birds by covering up the seed. For good husbandry is best for mortal men and bad husbandry is worst. So will the grain ears nod with ripeness to the ground, if the Lord of Olympos himself vouchsafe a good issue. . . .

But when Zeus hath completed sixty days after the turning of the sun,[1] then the star Arkturos, leaving the sacred stream of Ocean, first riseth in his radiance at eventide. After him the twittering swallow, daughter of Pandion, cometh into the sight of men when spring is just beginning. Ere her coming prune the vines: for it is better so.

But when the House Carrier[2] crawls up the plants from the ground, fleeing from the Pleiades, then is it no longer seasonable to dig about the vines, but rather to sharpen sickles and arouse the thralls, and to fly shady seats and sleep toward the dawn, in the season of harvest when the sun parcheth the skin. In that season must thou busy thee to lead the harvest home, rising up in the morning that thy livelihood may be secure. For the morning taketh the third part of a man's business. Morning advanceth a man upon his journey and advanceth him also in his work: morning whose appearing setteth many men upon the road and setteth the yoke on many oxen.

But what time the artichoke bloometh and the chattering cicala sitting on a tree poureth his shrill song from beneath his wings incessantly in the season of weary summer, then are goats fattest and wine best, women most wanton and men most weak, since Sirios parcheth head and knee and the skin is dry for heat. Then let me have the shadow of a rock, and Bibline wine, and a milk cake, and milk of goats drained dry, and flesh of a pastured heifer that hath not yet borne a calf, and flesh of firstling kids, with ruddy wine to wash it down withal, while I sit in the shade, heart-satisfied with food, turning my face toward the fresh West Wind, and let me from an unmuddied everflowing spring which floweth away pour three measures of water and the fourth of wine.

[1] The summer solstice.
[2] Shell-snail.

But so soon as the strength of Orion appeareth, urge thy thralls to thresh the holy grain of Demeter in a windy place and on a rounded floor; measure and store it in vessels; and when thou hast laid up all thy livelihood within thy house, then I bid thee get a thrall that hath no family and seek a serving woman without a child. Troublous is a serving woman that hath a child. Care, too, for the dog of jagged teeth. . . . Also bring in fodder and litter that thou mayst have sufficient store for thy cattle and thy mules. Then let thy thralls rest their knees and loose thine oxen.

But when Orion and Sirios come into mid-heaven, and rosy-fingered Morning looketh upon Arkturos, O Perses, pluck and bring home all thy grapes, and show them to the sun for ten days and ten nights. Cover them for five and on the sixth draw off into vessels the gifts of joyful Dionysos. But when the Pleiades and the Hyades and the might of Orion set, then be mindful of seasonable plowing, and let the seed be duly bestowed under earth.[1]

115. The Divers Callings of Men [2]

Greek elegiac poetry of the gnomic type is represented in the sixth century B.C. by the Athenian Solon, who was included among the Seven Sages. Fragments of his poems are preserved by Stobæus, the compiler of a valuable collection of extracts from the Greek classics.

One man seeketh wealth from one source, another from another. This one wandereth in ships over the fishy deep in his eagerness to bring home a profit, the sport of the cruel winds, staking his life ungrudgingly. Another, whose labor is with the curved plow, cleaveth the fertile soil, drudging the year round like a slave. Another learneth the arts of Athena and skillful Hephæstus and gathereth a livelihood by the work of his two

[1] The shifting position of various stars and star-clusters, above all, the Pleiades, the summer and winter solstices ("turnings of the sun"), and the annual migration of the birds furnish the principal indications for the farmer's year as expounded in the *Works and Days*.

[2] Stobæus, *Florilegium*, iii, 9, 23. I. M. Linforth, *Solon the Athenian*, Berkeley, 1919, pp. 167, 169. University of California Press.

hands. Another, trained by the grace of the Olympian Muses, understandeth to the full the sweet art of minstrelsy. Another hath been endowed by the Lord Apollo, who worketh from afar, with the gift of prophecy; and, if the gods attend upon his ways, he discerneth, while it is still far off, the evil which approacheth his fellow. But it is sure that neither bird nor sacrificial victim will avert what Fate ordains. Others are physicians and practice the craft of Pæon,[1] who knoweth many drugs. But no success crowneth their work: often great suffering groweth out of a little pain, and none can bring relief by administering soothing drugs; often, again, one who is overcome by cruel disease may be straightway restored to health merely by the touch of a hand.

Destiny bringeth to mankind both good and evil, and the gifts which come from the immortal gods are not to be refused. Danger, we may be sure, followeth all the works of men, and none knoweth, at its beginning, which way an undertaking will turn. One man, though he is trying to acquit himself well, falleth unaware into great and dire misfortune. Another, who playeth his part ill, is blessed with good luck by the gods and granted release from his folly.

No visible limit is set to wealth among men. Even now those among us who have the largest fortune are striving with redoubled energy. What abundance of riches could satisfy us all? Increase of goods cometh to mortals by the gift of the gods. But out of it appeareth the madness which leadeth to destruction, and when Zeus sendeth this madness as a punishment to men, it lighteth first upon one and then upon another.

116. Manual Labor Ignoble [2]

The attitude of cultivated Greeks toward manual labor, however highly skilled, is exhibited in this passage from one of Xenophon's essays.

But why need you show me them all, Socrates? said Critobulus: for neither do we want to get men who are fair hands at

[1] Pæon, the divine physician, is mentioned three times by Homer.

[2] Xenophon, *Œconomicus*, iv, 1–4. A. D. O. Wedderburn and W. G. Collingwood, *The Economist of Xenophon*, London, 1876, pp. 22–23.

all the arts alike, nor can one man become an adept in all. No; those arts which are thought the noblest, and which would be most suitable for me to engage in, are what I would have you show me, together with those who practise them; and in this, as far as you can, let me have the advantage of your teaching.

Well said, Critobulus! exclaimed Socrates; for not only are the arts which we call mechanical generally held in bad repute, but States also have a very low opinion of them, — and with justice. For they are injurious to the bodily health of workmen and overseers, in that they compel them to be seated and indoors, and in some cases also all the day before a fire. And when the body grows effeminate, the mind also becomes weaker and weaker. And the mechanical arts, as they are called, will not let men unite with them care for friends and State, so that men engaged in them must ever appear to be both bad friends and poor defenders of their country. And there are States, but more particularly such as are most famous in war, in which not a single citizen is allowed to engage in mechanical arts.

But in what kind of arts would you have us engage, Socrates?

Ought we to be ashamed, said Socrates, to imitate the King of Persia? For he, they say, considers agriculture and the art of war to be among the noblest and most essential occupations; and interests himself heartily in both of them.

117. Duties of a Proprietor [1]

The treatise *On Agriculture*, which Marcus Porcius Cato wrote in the second century B.C., is the only one of his works that has survived. Its author was a practical, hard-headed farmer, as well as a statesman and man of letters.

When the proprietor comes to his domain, after paying his respects to the patron-god, he ought, if possible, to inspect his estate on that same day; at the latest, on the day after. When he has examined the state of his lands, how they have been cultivated, what work has been done, what remains unfinished,

[1] Cato, *De agricultura*, 2. D. C. Munro, *A Source Book of Roman History*, New York, 1904, pp. 180–182. D. C. Heath and Company.

then let him call the manager [1] and demand of him an account of what has been accomplished, what remains to be done, whether the work has been completed in good time, and whether it is possible to finish what remains to be done, how much wine, grain, and other products are on hand. Having secured this information, he ought to compare the work done with the number of work days. If the work done does not seem sufficient, the manager says that he has done his best, but that the slaves have been sick, the weather unfavorable, that some slaves have fled, or that work on the public roads had to be done. When he shall have alleged all these excuses and many more, call back the manager to an accounting of his services and of the work done. When the weather was unfavorable, see what work might have been done during the rainy season, *e.g.*, jars washed and lined with pitch, the villa cleaned, grain transported, the dung carried out of doors, a dung-pit made, the seed cleaned, old ropes repaired and new ones made, the hoods and clothes of the slaves mended. On holidays,[2] old ditches could have been repaired, the public roads paved, bramble-bushes cut down, the garden dug, the meadow cleared, twigs woven, thorns weeded out, corn ground, everything made neat and clean. When the slaves are sick, they must be put on diet. Then orders shall be given to finish the rest of the work. An account shall be made of the silver on hand, of the grain in the granaries, of the fodder, wine, and oil; the sales and expenditures shall be recorded, also what remains to be sold, what is still owing. If there is a deficit for the current year, the necessaries shall be bought; if a surplus, this shall be disposed of. . . . If they command good prices, the surplus of oil, wine, and grain shall be sold. It is necessary to sell the old oxen, blemished cattle,[3] and sheep, wool, skins, old wagons, old iron, old and sick slaves, and whatever else is useless. The proprietor ought to be eager to sell and not to buy.

[1] *Vilicus*.

[2] The public *feriæ*, or holy days, were originally observed by a complete abstention from labor. In Cato's time, however, the rigor of the old observance had been considerably relaxed.

[3] Cattle unfit for ploughing.

118. The Praises of a Country Life [1]

The *Epodes* seem to have been completed by Horace about 29 B.C. Many of them represent his earliest efforts in poetical composition.

Happy the man who far from schemes of business, like the early generations of mankind, ploughs and ploughs again his ancestral land with oxen of his own breeding, with no yoke of usury on his neck! He is not wakened like a soldier by the fierce clarion; he dreads no angry sea. He avoids the Forum and the insolent portals of the great. And so he is either wedding the tall poplar to the full-grown vine-plant, or looking forth on his herds of lowing cattle as they stray in the shady valley, or cutting off with the pruning hook useless boughs and grafting in those of happier fruit. He is either storing in clean pitchers the squeezed honey, or shearing the unresisting sheep. Or when Autumn has lifted over the land his head wreathed with mellow fruitage, what joy it is to gather the pear from the tree he grafted, and the grape that vies with the purple dye, to present to thee, Priapus,[2] and thee, Sire Silvanus,[3] guardian of his bounds! Now it is his fancy to lie under some aged holm-oak, now on the soft deep grass, whilst the streams slide along in brimming courses, birds make moan in the woods, and springs babble with gushing water, sounds to invite light slumbers. And then when the wintry months of Jove the Thunderer gather storms and snow, he either drives this way and that with his pack of dogs the wild boars into the toils set for them, or spreads on smooth pole the wide-meshed nets to catch the greedy fieldfares, or sets snares for the timid hare and the crane from over seas, sweet prizes. In such a life who does not forget any evil cares which belong to love? But if a chaste wife do her part and grace his house with its sweet children (such as is a Sabine spouse or the sunburnt partner of the sturdy Apulian); pile the sacred hearth with old logs against the return of her wearied lord; and as he shuts the glad cattle in the wattled fold, drain dry their full

[1] Horace, *Epodes*, ii. E. C. Wickham, *Horace for English Readers*, Oxford, 1903, pp. 138–140. Clarendon Press.

[2] A Hellespontic divinity, peculiarly the genius of the garden.

[3] An old Italian god of woods and fields.

udders, and broaching the sweet cask's wine of the year make ready the unbought banquet, no Lucrine shellfish [1] could give me more delight, no turbot or scar, if the storm that burst in thunder on Eastern waves should direct any to our waters. The bird of Africa would not cross my palate, nor the woodcock of Ionia, with more pleasant flavour then the olive gathered from the tree's richest boughs, or the sorrel plant that loves the meadow land and the mallows that give health to the laden body, or, it may be, the lamb slain on the festivals of Terminus,[2] or the kid snatched from the wolf's jaws. While we sit at such a banquet, what delight to look out and see the well-fed sheep hastening home, to see the wearied bullocks dragging with tired neck the reversed plough, and the home-born slaves, the swarm that makes a wealthy home, all gathered round the glowing images of the home gods.[3]

119. Servile and Liberal Occupations [4]

The contempt for the occupations of the artisan and trader, which finds expression in the writings of Xenophon, Plato, Aristotle, and other Greek thinkers, is likewise voiced by Cicero among the Romans. Cicero's *Offices*, here quoted, is a manual on moral duties addressed to his son, who was then (44 B.C.) studying in Athens.

Now in regard to trades and other means of livelihood, which ones are to be considered becoming to a gentleman [5] and which ones are vulgar, we have been taught, in general, as follows. First, those means of livelihood are rejected as undesirable which incur people's ill-will, as those of tax-gatherers and usurers. Unbecoming to a gentleman, too, and vulgar are the means of livelihood of all hired workmen whom we pay for mere manual labour, not for artistic skill; for in their case the very

[1] The Lucrine lake near Baiæ produced the best oysters, which are referred to here.

[2] Terminus, god of boundaries, had a festival on February 23.

[3] The Lares.

[4] Cicero, *De officiis*, i, 42. Walter Miller, *Cicero; De Officiis*, London, 1913, pp. 153–155. William Heinemann, Ltd.

[5] For men of senatorial or equestrian rank even such occupations as medicine, architecture, and teaching, if practiced for gain, were regarded as derogating from respectability.

wages they receive is a pledge of their slavery. Vulgar we must consider those also who buy from wholesale merchants to retail immediately; for they would get no profits without a great deal of downright lying; and verily, there is no action that is meaner than misrepresentation. And all mechanics are engaged in vulgar trades; for no workshop can have anything liberal about it. Least respectable of all are those trades which cater to sensual pleasures:

> "Fishmongers, butchers, cooks, and poulterers,
> And fishermen,"

as Terence [1] says. Add to these, if you please, the perfumers, dancers, and the whole *corps de ballet.*

But the professions in which either a higher degree of intelligence is required or from which no small benefit to society is derived — medicine and architecture, for example, and teaching — these are proper for those whose social position they become. Trade, if it is on a small scale, is to be considered vulgar; but if wholesale and on a large scale, importing large quantities from all parts of the world and distributing to many without misrepresentation, it is not to be greatly disparaged. Nay, it even seems to deserve the highest respect, if those who are engaged in it, satiated, or rather, I should say, satisfied with the fortunes they have made, make their way from the port to a country estate, as they have often made it from the sea into port. But of all the occupations by which gain is secured none is better than agriculture, none more profitable, none more delightful, none more becoming to a freeman.

120. A Harsh Master [2]

Plautus (*c.* 254–184 B.C.), the great comic dramatist of ancient Rome, survives in twenty plays. The *Pseudolus*, here quoted, is one of the latest of his works.

[1] *Eunuchus*, ii, 2, 26.

[2] Plautus, *Pseudolus*, 133–187. H. T. Riley, *The Comedies of Plautus*, London, 1852, vol. i, pp. 262–264. G. Bell and Sons, Ltd.

Get out, come, out with you, you rascals,[1] kept at a loss and bought at a loss, in the minds of not one of whom aught ever comes to do aright, of whom I can't make a bit of use, unless I try it after this fashion. (*He flogs the men all around.*) At no time did I ever see human beings more like asses; so hardened are your ribs with stripes; when you flog them, you hurt yourself the most. Of such a disposition are these whipping-posts who follow this line of conduct; when the opportunity is given, pilfer, purloin, prig, plunder, drink, eat, and run away's the word. This is their method, so that you would choose rather to leave wolves among sheep, than these fellows on guard in your house. Yet, when you look at their appearance, they don't seem amiss; by their doings they deceive you. Now, therefore, unless you all of you give your attention to this charge, unless you remove drowsiness and sloth from your breasts and eyes, I'll make your sides to be right thoroughly marked with thongs, so much so that not even Campanian coverlets are coloured as well, nor yet Alexandrian tapestry of purple embroidered with beasts all over. Even yesterday I already gave you all notice, and assigned to each his own respective employment; but so utterly worthless are you, so neglectful, of such stubborn dispositions, that you compel me to put you in mind of your duty with a basting. You are so minded, I suppose, to get the better of this scourge and myself through the hardness of your hides. Never, i' faith, will your hides prove harder, than is this cow-hide of mine. (*He dangles it before them.*) Do look at that, please; they are minding other matters. Attend to this, and give heed to this. (*He flogs one of them.*) How now? Does it pain? Ah, that's the way it's laid on when any slave slights his master. Stand all of you before me, you race of mortals born to be thrashed; turn your ears this way; give attention all of you to what I say. . . . Take care that when I return from the Forum, I find things done; that all be swept, sprinkled, scoured, made smooth, cleaned, and arranged in order. For this day is my birthday; it befits you all to celebrate it. Take care to lay the gammon of bacon, the brawn, the collared neck, and the udder,

[1] Ballio, a slave owner and procurer, gives orders to his servants.

in water; do you hear me? I wish to entertain tip-top men in first-rate style, that they may fancy that I have property. Go you in-doors, and get these things ready quickly, that there may be no delay when the cook comes. . . .

Do you hear me, you women? I have this charge for you — you, misses of distinction, who spend your time with illustrious men in refinements, luxury, and delights; now shall I know and make trial this day, which one has regard for her liberty, which for her appetite, which thinks on her business, which on sleeping only: this day I'll make trial which I must think of as a freed-woman, and which as one to be sold. Take you care that many a present from your lovers comes in for me this day; for if your year's board isn't picked up for me, to-morrow I'll turn you adrift on the public. You know that this is my birthday; where are those youths, the apples of whose eyes you are, whose very existence, whose delight you are? . . . Make the bearers of presents to come here then, for my sake, before this house, in whole regiments. Why am I to find clothes for you, gold trinkets, and those things which you need? What have I, you jades, through your means, except vexation, you women, eager for nothing but the wine? You are a-soaking away yourselves and your paunches too, at the very time that I'm here a-dry. Now, therefore, this is the best thing to do; for me to call you each by her name, that no one of you may be declaring to me by-and-by that her business hasn't been told her. Give attention, all of you.

121. A Good Servant [1]

The date of Plautus's *Menæchmi* is quite uncertain.

This is the proof of a good servant,[2] who takes care of his master's business, looks after it, arranges it, thinks about it, in the absence of his master diligently to attend to the affairs of his master, as much so as if he himself were present, or even better. It is proper that his back should be of more consequence

[1] Plautus, *Menæchmi*, 966–987. H. T. Riley, *The Comedies of Plautus*, London, 1852, vol. i, pp. 364–365. G. Bell and Sons, Ltd.

[2] Messenio, a slave of Menæchmus Sosicles, soliloquizes.

than his appetite, his legs than his stomach, whose heart is rightly placed.[1] Let him bear in mind, those who are good for nothing, what reward is given them by their masters — lazy, worthless fellows. Stripes, fetters, the mill, weariness, hunger, sharp cold: these are the rewards of idleness. This evil do I terribly stand in awe of. Wherefore 'tis sure that to be good is better than to be bad. Much more readily do I submit to words, stripes I do detest; and I eat what is ground by myself.[2] Therefore do I obey the command of my master, carefully and diligently do I observe it; and in such manner do I pay obedience, as I think is for the interest of my back. And that course does profit me. Let others be just as they take it to be their interest; I shall be just as I ought to be. If I adhere to that, I shall avoid faultiness; so that I am in readiness for my master on all occasions, I shall not be much afraid. The time is near, when, for these deeds of mind, my master will give his reward.

122. Seneca on the Treatment of Slaves [3]

Two of the three books of Seneca's work *On Clemency* are still extant. They were dedicated to Nero, whose tutor Seneca had been.

It is creditable to a man to keep within reasonable bounds in his treatment of his slaves. Even in the case of a human chattel one ought to consider, not how much one can torture him with impunity, but how far such treatment is permitted by natural goodness and justice, which prompts us to act kindly towards even prisoners of war and slaves bought for a price (how much more towards freeborn, respectable gentlemen?), and not to treat them with scornful brutality as human chattels, but as persons somewhat below ourselves in station, who have been placed under our protection rather than assigned to us as servants. Slaves are allowed to run and take sanctuary at the statue of a god; though the law allows a slave to be ill-treated

[1] A good servant will keep his back intact from the whip and his feet from the fetters, even if sometimes he must go hungry.

[2] Refractory slaves were often sent to the *pistrinum* (hand mill) for the hard labor of grinding corn.

[3] Seneca, *De clementia*, i, 18. Aubrey Stewart, *Seneca's Minor Dialogues*, London, 1889, pp. 404–405. G. Bell and Sons, Ltd.

to any extent, there are nevertheless some things which the common laws of life forbid us to do to a human being. Who does not hate Vedius Pollio[1] more even than his own slaves did, because he used to fatten his lampreys with human blood, and ordered those who had offended him in any way to be cast into his fish-pond, or rather snake-pond? That man deserved to die a thousand deaths, both for throwing his slaves to be devoured by the lampreys which he himself meant to eat, and for keeping lampreys that he might feed them in such a fashion. Cruel masters are pointed at with disgust in all parts of the city, and are hated and loathed.

123. Pliny the Younger on the Treatment of Slaves[2]

Pliny (*c.* 61–*c.* 113 A.D.), called the Younger, to distinguish him from his famous uncle, the Elder Pliny, was a Roman gentleman fitted by birth and education for a brilliant public career. He filled many offices of state, traveled extensively, knew everybody worth knowing, and lived a happy, useful life, surrounded by his books and his friends. Of his letters more than three hundred have been preserved. They reveal an attractive personality, and their value to the historian of Roman society during the first century of the empire can scarcely be overestimated.

I have been greatly upset by illness in my household, some of my servants having died, and at an early age. I have two consolations, which, though they are by no means equivalent to my grief, do certainly afford me comfort. One is, that I have been generous in giving them their freedom, — for I do not consider that I have lost them altogether immaturely when they died free men, — and the other is, that I allow my slaves to make, as it were, valid wills, and I preserve them as I should strictly legal documents. They lay their commissions and requests before me just as they please, and I carry them out as though I were obeying an order. They have full power to divide their property and leave donations and bequests as they will; provided that the beneficiaries are members of my household, for with slaves their master's house takes the place of

[1] A Roman master, a freedman by birth, who lived under Augustus.

[2] Pliny the Younger, *Epistulæ*, viii, 16. J. B. Firth, *The Letters of the Younger Pliny*, London, 1900, vol. ii, pp. 136–138.

commonwealth and state. But though I have these consolations to make my mind easier, I feel shattered and broken by just that same sense of common humanity which led me to grant them these indulgences. Not that I wish I were harder of heart. I am quite aware that there are other people who call misfortunes of this kind a mere pecuniary loss, and plume themselves thereon as great men and wise. Whether they are great and wise I do not know, but they certainly are not men. The true man is sensible to pain and feeling, and even while he fights against his trouble admits consolations; he is not a person who never knows the need of comfort. Perhaps I have written more than I ought, though it is still less than I desired. For there is a certain pleasure even in feeling pain, especially if your tears are falling while the arm of a friend is around you, and he is ready to applaud or excuse them as they fall.

SECTION IX

SOCIAL CONDITIONS

124. Hector and Andromache [1]

The position of married women in the Homeric Age was high, and they were far from being kept in the semi-Oriental seclusion so characteristic of later Greek life. Andromache, Hector's much loved and much loving wife, is one of Homer's finest characters.

Then great Hector of the glancing helm answered her: [2] "Surely I take thought for all these things, my wife; but I have very sore shame of the Trojans and Trojan dames with trailing robes, if like a coward I shrink away from battle. Moreover mine own soul forbiddeth me, seeing I have learnt ever to be valiant and fight in the forefront of the Trojans, winning my father's great glory and mine own. Yea of a surety I know this in heart and soul; the day shall come for holy Ilios to be laid low, and Priam and the folk of Priam of the good ashen spear. Yet doth the anguish of the Trojans hereafter not so much trouble me, neither Hekabe's [3] own, neither king Priam's, neither my brethren's, the many and brave that shall fall in the dust before their foemen, as doth thine anguish in the day when some mail-clad Achaian shall lead thee weeping and rob thee of the light of freedom. So shalt thou abide in Argos and ply the loom at another woman's bidding, and bear water from fount Messeis or Hypereia, being grievously entreated, and sore constraint shall be laid upon thee. And then shall one say that beholdeth thee weep: 'This is the wife of Hector, that was foremost in battle of the horse-taming Trojans when men fought about Ilios.' Thus shall one say hereafter, and fresh grief will be thine for

[1] *Iliad*, vi, 440–502. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 124–126. Macmillan and Company, Ltd.

[2] Andromache had been pleading with Hector not to go forth again to battle.

[3] Hecuba, wife of Priam and Hector's mother.

lack of such an husband as thou hadst to ward off the day of thraldom. But me in death may the heaped-up earth be covering, ere I hear thy crying and thy carrying into captivity."

So spake glorious Hector, and stretched out his arm to his boy. But the child shrunk crying to the bosom of his fair-girdled nurse, dismayed at his dear father's aspect, and in dread at the bronze and horse-hair crest that he beheld nodding fiercely from the helmet's top. Then his dear father laughed aloud, and his lady mother; forthwith glorious Hector took the helmet from his head, and laid it, all gleaming, upon the earth; then kissed he his dear son and dandled him in his arms, and spake in prayer to Zeus and all the gods, "O Zeus and all ye gods, vouchsafe ye that this my son may likewise prove even as I, preëminent amid the Trojans, and as valiant in might, and be a great king of Ilios. Then may men say of him, 'Far greater is he than his father' as he returneth home from battle; and may he bring with him blood-stained spoils from the foeman he hath slain, and may his mother's heart be glad."

So spake he, and laid his son in his dear wife's arms; and she took him to her fragrant bosom, smiling tearfully. And her husband had pity to see her, and caressed her with his hand, and spake and called upon her name: "Dear one, I pray thee be not of oversorrowful heart; no man against my fate shall hurl me to Hades; only destiny, I ween, no man hath escaped, be he coward or be he valiant, when once he hath been born. But go thou to thine house and see to thine own tasks, the loom and distaff, and bid thine handmaidens ply their work; but for war shall men provide, and I in chief of all men that dwell in Ilios."

So spake glorious Hector, and took up his horse-hair crested helmet; and his dear wife departed to her home, oft looking back, and letting fall big tears. Anon she came to the well-stablished house of man-slaying Hector, and found therein her many handmaidens, and stirred lamentation in them all. So bewailed they Hector, while yet he lived, within his house: for they deemed that he would no more come back to them from battle, nor escape the fury of the hands of the Achaians.

125. Women Types [1]

Greek iambic poetry, an Ionian creation, arose in the seventh century B.C. Its earlier masters, Archilochus and Simonides of Amorgos, used it particularly for satirical purposes, but with the latter the satire is rather general than personal. An extant fragment of ninety-five lines from a derisive poem (" Pedigree of Women ") by Simonides exhibits the strain of misogyny so characteristic of society in Ionia and also at Athens. Addison's translation of Simonides, here quoted, appeared in the *Spectator* (No. 209).

In the beginning God made the souls of womankind out of different materials, and in a separate state from their bodies.

The souls of one kind of women were formed out of those ingredients which compose a swine. A woman of this make is a slut in her house, and a glutton at her table. She is uncleanly in her person, a slattern in her dress, and her family is no better than a dunghill.

A second sort of female soul was formed out of the same materials that enter into the composition of a fox. Such an one is what we call a notable discerning woman, who has an insight into everything, whether it be good or bad. In this species of females there are some virtuous and some vicious.

A third kind of women were made up of canine particles. These are what we commonly call scolds, who imitate the animals out of which they were taken, that are always busy and barking, that snarl at every one who comes in their way, and live in perpetual clamour.

The fourth kind of women were made out of earth. These are your sluggards, who pass away their time in indolence and ignorance, hover over the fire a whole winter, and apply themselves with alacrity to no kind of business but eating.

The fifth species of females were made out of the sea. These are women of variable uneven tempers, sometimes all storm and tempest, sometimes all calm and sunshine. The stranger who sees one of these in her smiles and smoothness would cry her up for a miracle of good humour; but on a sudden her looks and

[1] *Essays of Joseph Addison*, London, 1915, vol. ii, pp. 8–11. Edited by Sir J. G. Frazer. Macmillan and Company, Ltd.

words are changed, she is nothing but fury and outrage, noise and hurricane.

The sixth species were made up of the ingredients which compose an ass or a beast of burden. These are naturally exceeding slothful, but upon the husband's exerting his authority will live upon hard fare, and do everything to please him. . . .

The cat furnished materials for a seventh species of women, who are of a melancholy, forward, unamiable nature, and so repugnant to the offers of love, that they fly in the face of their husband when he approaches them with conjugal endearments. This species of women are likewise subject to little thefts, cheats, and pilferings.

The mare with a flowing mane, which was never broke to any servile toil and labour, composed an eighth species of women. These are they who have little regard for their husbands, who pass away their time in dressing, bathing, and perfuming; who throw their hair into the nicest curls, and trick it up with the fairest flowers and garlands. A woman of this species is a very pretty thing for a stranger to look upon, but very detrimental to the owner, unless it be a king or prince who takes a fancy to such a toy.

The ninth species of females were taken out of the ape. These are such as are both ugly and ill-natured, who have nothing beautiful in themselves, and endeavour to detract from or ridicule everything which appears so in others.

The tenth and last species of women were made out of the bee; and happy is the man who gets such an one for his wife. She is altogether faultless and unblameable; her family flourishes and improves by her good management. She loves her husband, and is beloved by him. She brings him a race of beautiful and virtuous children. She distinguishes herself among her sex. She is surrounded with graces. She never sits among the loose tribe of women, nor passes away her time with them in wanton discourses. She is full of virtue and prudence, and is the best wife that Jupiter can bestow on man.

126. The Woes of Women [1]

There survive only eighteen out of the seventy-five plays which the best critics of antiquity attributed to Euripides. The *Medea*, perhaps the most faultless of his works, appeared in 431 B.C.

Surely, of creatures that have life and wit,
We women are of all things wretchedest,
Who, first, must needs, as buys the highest bidder,
Thus buy a husband, and our body's master
So win — for deeper depth of ill is this.
Nay, risk is dire herein, — or shall we gain
An evil lord or good? For change is shame
To woman, nor may she renounce her spouse.
And, coming to new customs, habits new,
Seer need she be, to know the thing unlearnt,
What manner of man her couch's mate shall be.
But if we learn our lesson, if our lord
Dwell with us, plunging not against the yoke,
Happy our lot: if not — no help but death.
For the man, when at home they fret his soul,
Goes forth, and stays his loathing heart's disgust,
Unto a friend or age-mate turning him.
We have but one, one heart to seek for comfort.
But we, say they, live an unperilled life
At home, while they do battle with the spear.
Falsely they deem: twice would I under shield
Stand, rather than bear childbirth peril once.

127. A Dutiful Wife [2]

The Greek word for domestic economy (*oikonomia*) meant not only household management, but also the care of an estate and the duties of a master toward his dependents and slaves. These subjects are discussed by Xenophon in his interesting treatise, *Œconomicus*. It is a dialogue, or rather a double dialogue, the principal speaker in the first being Socrates

[1] Euripides, *Medea*, 230–251. A. S. Way, *The Tragedies of Euripides in English Verse*, London, 1894, vol. i, pp. 71–72. Macmillan and Company, Ltd.

[2] Xenophon, *Œconomicus*, x. A. D. O. Wedderburn and W. G. Collingwood, *The Economist of Xenophon*, London, 1876, pp. 67–71.

and in the second an Athenian gentleman named Ischomachus. The latter we may identify with Xenophon himself.

On hearing, said Socrates, that this was the answer his wife made him, Marry, Ischomachus, cried I; you imply that your wife has a brave soul.

Yes, said Ischomachus; and I wish to give you further proofs of her magnanimity, by telling you of certain cases where she obeyed me at once, without my having to repeat the advice I gave her.

Indeed! said I, then tell me about them; for I would far more gladly hear of some living woman endowed with that beauty of the heart, than have Zeuxis show me some portrait of a woman passing fair.

Well then, Socrates, said Ischomachus, I one day saw that she had a quantity of white lead rubbed into her skin, to make her look whiter than she really was, as well as a quantity of alkanet,[1] to make her redder than she really was, while she had on high-heeled shoes to make her look taller than she really was; and so I said to her, Tell me, wife, in which of these cases would you think the partner in your property the more worthy of your love: if I were to show you all that I really have, with no vain boasting that I am richer than I am, and no concealment of any deficiency, or if I set about deceiving you, and told you that I am richer than is true, bidding you look at money that was false, and at golden necklaces that were of wood, and at garments of purple whose colour could not last, but which I told you were genuine and real?

And she caught me up at once. Nay, nay, talk not so, she said: Heaven forbid you should ever act thus, for were you to do so, I could never feel any real love for you.

Well then, I asked, did we not marry, good wife, that I might be yours and you mine?

Yes, said she, at least so the world says.

And would you think me more worthy of your love, more fit to hold you mine, if I set about being careful of myself, trying to

[1] A plant whose root yields a red dye, used for rouge.

keep myself for you healthy and strong, so having a really good complexion; or if coloring my face with vermilion, and daintily painting my eyes, I came forward and lived with you a life of deceit, presenting to your sight and touch, not Ischomachus, but only paste and paint?

As far as I am concerned, she answered, I should not find more pleasure for touch or sight in the fine fellow with his paste and paint than in you; nor would I rather see your eyes painted than have them look healthy and strong.

So also be sure that I, good wife, replied Ischomachus, (as he told me) find no more pleasure in a complexion of white lead and alkanet than in that which is your own. But just as Heaven made horses and oxen and sheep to find most delight each in its own kind, so too do men think that there is most delight in the natural form and colour of man. And though these deceits may possibly escape the passing stranger, and he be deceived by them, still those whose life is spent together, must, if they attempt to deceive one another, ever be caught in so doing: either when they rise in the morning before the deceit is renewed, or, if not so, the sweat of their brow convicts them, or tears put them to the test, or again whilst bathing some eye is upon them, and they are unmasked and seen.

And in the name of Heaven, said I, what answer made she to this?

What but this, said he, that from that time forward she never did anything of the kind, but rather all she could to make herself fair and natural to see; nay, she once asked me if I could give her any advice how to become really beautiful, and not merely to seem so. And Socrates, said he, I did give her some advice. I told her not to be ever sitting down like a slave, but to try with Heaven's help to be a true mistress, standing by the loom, teaching in aught where she was the wiser, and learning where others were wiser than she. I told her to look after the baking, and watch the housekeeper dealing out the stores; going her rounds too, and seeing if everything was in its proper place: which would, I thought, give her employment, and a walk as well. I told her too that she would find good exercise in making

the dough and kneading it; as also in shaking out the clothes and bed-linen, and folding them up. And this exercise, I continued, would make her appetite better, her body more healthy, and her complexion fairer yet not false. Let a husband look from a servant to his wife, and if he sees his wife more really fair, her dress too more becoming, his love for her grows warm; and that above all when she gives him pleasure of her own accord, instead of only doing his compulsory service. But women who in a pompous dignity never rise from their seats, force us to consider them amongst such as are decked out with deceit. And now, Socrates, do not doubt, said he, that my wife is circumspect in all she does, living after the teaching I gave her, as you have just heard.

128. A Marriage Contract [1]

The Greek papyri that in recent years have been unearthed from the ruins and rubbish heaps of ancient Egypt are important from many aspects, and particularly for the light thrown by them on the social life of Greek colonists in the Nile valley. They cover a long period, from the beginning of the Ptolemaic dynasty until far down into Byzantine times. The following document from Elephantine belongs to 311–310 B.C. It is the earliest dated Greek papyrus that we possess. The contract closely follows the marriage deeds as described by the Attic orators.

In the seventh year of the reign of Alexander the son of Alexander, the fourteenth year of the satrapy of Ptolemæus, the month Dios. Contract of marriage between Heraclides and Demetria.

Heraclides takes Demetria of Cos as his lawful wife from her father Leptines of Cos and her mother Philotis, both parties being freeborn, and the bride bringing clothing and adornment of the value of 1000 drachmas, and let Heraclides provide for Demetria all things that are fitting for a freeborn woman, and that we should live together wherever shall seem best to Leptines and Heraclides in consultation together. And if Demetria shall be detected doing anything wrong to the shame of her husband

[1] George Milligan, *Selections from the Greek Papyri* (Second Edition), Cambridge, 1912, pp. 2–4. University Press.

Heraclides, let her be deprived of all that she has brought, and let Heraclides prove his charge against Demetria in the presence of three men, whom both shall approve. And let it not be allowed to Heraclides to bring in another woman to the insult of Demetria, nor to beget children by another woman, nor shall Heraclides do any wrong to Demetria on any pretext. And if Heraclides shall be detected doing any of these things, and Demetria shall prove it in the presence of three men, whom both shall approve, let Heraclides repay to Demetria the dowry which she brought to the value of 1000 drachmas, and let him pay in addition 1000 drachmas of Alexander's coinage. And let the right of execution be as if a formal decree of the court had been obtained to Demetria and to those acting with Demetria or Heraclides himself and all Heraclides' property both on land and sea. And let this contract be valid under all circumstances, as if the agreement had been come to in that place wheresoever Heraclides brings the charge against Demetria, or Demetria and those acting with Demetria bring the charge against Heraclides.[1] And let Heraclides and Demetria enjoy equal legal rights both in preserving their own contracts, and in bringing charges against one another. Witnessed by Cleon of Gela, Anticrates of Temnos, Lysis of Temnos, Dionysius of Temnos, Aristomachus of Cyrene, and Aristodicus of Cos.

129. A Deed of Divorce[2]

This document comes from the Fayum and dates from 45 A.D.

The fourth year of Tiberius Claudius Cæsar Augustus Germanicus Emperor, the twenty-fifth day of the month Mechir, in Socnopæi Nesus of the Heraclides district of the Arsinoite nome. Agreement of Paous son of Paous, about twenty-five years old, a scar on the left forehead, with his wife Tesenouphis the daughter of Onnophris, about twenty years old, a scar on the calf of the leg on the left side, along with her guardian and kinsman

[1] According to strict Greek law the contract was only binding in the place where it was entered into.

[2] George Milligan, *Selections from the Greek Papyri* (Second Edition), Cambridge, 1912, pp. 42–43. University Press.

Satabous, the son of Erieus, about thirty years old, a scar on the calf of the leg on the right side, — to the effect that there is dissolved the mutual union which had brought them together in accordance with the contract of marriage, and that they neither make nor will make any claim against one another regarding any matter whatsoever . . . and Tesenouphis acknowledges receipt of the dowry [1] of silver owed by Paous, and the *paraphernа*.[2]

130. Family Life [3]

The *Greek Anthology* contains between six and seven thousand short pieces, many of them by unknown authors, and covering in time the seventeen centuries between 700 B.C. and 1000 A.D. Throughout all this period they present little or no change in language or versification. The majority of the epigrams have been preserved in two collections made at Constantinople in the tenth and fourteenth centuries; the remainder have been brought together from literary and inscriptional sources by modern scholars.

Nor yet is thy summer unfolded from the bud, nor does the purple come upon thy grape-cluster that puts out the first shoots of its maiden graces; but already the young Loves are whetting their fleet arrows, Lysidice, and the hidden fire is smouldering. Flee we, wretched lovers, ere yet the shaft is on the string; I prophesy a mighty conflagration soon.

Her tambourines and pretty ball, and the net that confined her hair, and her dolls and dolls' dresses, Timareta dedicates before her marriage to Artemis of Limnæ, a maiden to a maiden, as is fit; do thou, daughter of Leto, laying thine hand over the girl Timareta, preserve her purely in her purity.

Cythera of Bithynia dedicates me, the marble image of thy form, O Cyprian, with prayer: do thou impart in return thy great grace for this little one, as is thy wont; and concord with her husband satisfies her.

[1] The return of the dowry formed an essential feature of all divorce contracts.

[2] The super-dowry brought by a married woman.

[3] J. W. Mackail, *Select Epigrams from the Greek Anthology* (Second Edition), London, 1906, pp. 216–224. Longmans, Green, and Company, Ltd.

Artemis, to thee the son of Cichesias dedicates his shoes, and Themistodice the strait folds of her gown, because thou didst graciously hold thy two hands over her in childbed, coming, O our Lady, without thy bow.[1] And do thou, O Artemis, grant yet to Leon to see his infant child a sturdy-limbed boy.

Callirhoë dedicates to the Paphian garlands, to Pallas a tress of hair, to Artemis her girdle; for she found a wooer to her heart and was given a stainless prime and bore male children.

I wept the doom of my Theionoë, but borne up by hopes of her child I wailed in lighter grief; and now a jealous fate has bereft me of the child also; alas, babe, I am cozened of even thee, all that was left me. Persephone, hearken thus much at a father's lamentation; lay the babe on the bosom of its dead mother.

Surely, methinks, when thou hadst set thy footprint, Artemias, from the boat upon Cocytus' [2] shore, carrying in thy young hand thy baby just dead, the fair Dorian women had compassion in Hades, inquiring of thy fate; and thou, fretting thy cheeks with tears, didst utter that woeful word: "O friends, having travailed of two children, I left one for my husband Euphron, and the other I bring to the dead."

Gazing upon my husband as my last thread was spun, I praised the gods of death, and I praised the gods of marriage, those that I left my husband alive, and these that he was even such an one; may he remain, a father for the children who are his and mine.

Marathonis laid Nicopolis in this stone, wetting the marble coffin with tears, but all to no avail; for what is there more than sorrow for the husband alone upon earth when his wife is gone?

Find no fault as thou passest by my monument, O wayfarer; not even in death have I aught worthy of lamentation. I have left children's children; I had joy of one wife, who grew old

[1] Artemis was invoked by women in childbirth.
[2] A river of Hades.

along with me; I made marriage for three sons whose sons I often lulled asleep on my breast, and never moaned over the sickness or the death of any: who, shedding tears without sorrow over me, sent me to slumber the sweet sleep in the country of the holy.

131. Old Athenian Education [1]

Plato puts the following brief but comprehensive account of Athenian education in the mouth of the great sophist after whom the dialogue *Protagoras* is named.

Yes, Socrates, from infancy upwards they instruct and admonish them as long as they live. The moment that a child understands what is said to him, the one point contended for by nurse, and mother, and governor, and the father himself, is the progress of their charge in virtue; from everything that is said and done they take occasion to tell and explain to him, that such a thing is just, and such another unjust, that this conduct is honourable, and that disgraceful, that one deed is holy, and another impious; this you must do, they say, and that you must not do. If the child yield a willing obedience, all is well; if not, they treat him like a young tree that is twisted and bent, and try to straighten him with threats and blows.

After this, they send him to school, with a strict charge to the master to pay far greater heed to the good behaviour of the children than to their progress in reading and music. And the master does make this his principal care, and as soon as his boys have learned their letters, and are in a condition to understand what is written, as before what was spoken, he sets before them on their benches the works of good poets to read, and compels them to learn them by heart, choosing such poems as contain moral admonitions, and many a narrative interwoven with praise and panegyric on the worthies of old, in order that the boy may admire, and emulate, and strive to become such himself. And exactly on a similar principle the study of the music-master is to produce sobriety of character, and deter the young

[1] Plato, *Protagoras*, 325–326. J. Wright, *The Phædrus, Lysis, and Protagoras of Plato*, London, 1888, pp. 203–205. Macmillan and Company, Ltd.

from the commission of evil; and further, when he has taught them to play, he again instructs them in the works of other good poets, selecting lyric poems for their use, which he sets to his music, and compels the minds of his pupils to be familiarised with measure and harmony, to the end that their natures may be softened, and that, by becoming more sensible to time and tune, they may be better qualified to speak and to act. For the life of man in all its stages requires modulation and harmonising. Nay more, they send them to gymnastic schools, in order that by an increase of bodily strength they may be better able to serve their virtuous minds, and not be compelled by physical infirmity to shrink from their post in war and other emergencies. Such is the course of education adopted by those fathers who are best able to follow it, that is to say, by the wealthiest citizens; and their sons are the first to go to school, and the last to leave it.

And as soon as they are released from school, the state on its part constrains them to learn its laws, and live by them as by a model, that they may not follow the random bent of their own inclinations. And exactly as writing-masters under-rule lines with their pen for such pupils as are still awkward at writing, before they give them their writing lesson, and oblige them to follow in their writing the direction of the lines; so too does the state mark out a line of laws, the discoveries of good and ancient lawgivers, which it forces its members to be guided by, as well in exercising as in obeying authority, while it visits with punishment all who transgress the line; and the name given to this punishment, both here and in other places, is correction, under the notion that justice directs.

132. The Ephebic Oath [1]

An Athenian youth, on reaching the age of eighteen, was enrolled as a citizen in his father's deme, or district, but he did not begin at once to exercise his political rights. He came for a year under the charge of a tutor and received instruction in the use of arms, while performing light garrison duty in the Piræus. Another year was spent in the same way

[1] Pollux, *Onomasticon*, viii, 105–106. K. J. Freeman, *Schools of Hellas* (Second Edition), London, 1912, p. 211. Edited by M. J. Rendall. Macmillan and Company, Ltd.

on the frontiers of Attica. Before entering on this military training the youth (*ephebos*) took an oath of loyalty to the State.

I will not disgrace my sacred weapons nor desert the comrade who is placed by my side. I will fight for things holy and things profane, whether I am alone or with others. I will hand on my fatherland greater and better than I found it. I will hearken to the magistrates and obey the existing laws and those hereafter established by the people. I will not consent unto any that destroys or disobeys the constitution, but will prevent him, whether I am alone or with others. I will honour the temples and the religion which my forefathers established. So help me Aglauros, Enualios [Ares], Zeus, Thallo, Auxo, Hegemone.[1]

133. State Support of Education [2]

In the Hellenistic period some Greek cities supplemented the private schools by a public system of education. The historian Polybius evidently disapproves of endowments for this purpose, at least when the funds are furnished by philanthropic kings.

The Rhodians, though in other respects maintaining the dignity of their state, made in my opinion a slight lapse at this period. They had received two hundred and eighty thousand medimni of corn [3] from Eumenes,[4] that its value might be invested and the interest devoted to pay the fees of the tutors and schoolmasters of their sons. One might accept this from friends in a case of financial embarrassment, as one might in private life, rather than allow children to remain uneducated for want of means; but where means are abundant a man would rather do anything than allow the schoolmaster's fee to be supplied by a joint contribution from his friends. And in proportion as a state should hold higher notions than an individual, so ought

[1] Aglauros, daughter of Cecrops, the legendary first king of Attica. The oath was taken in her sanctuary within a cave on the slope of the Acropolis. Enualios, an epithet of Ares. Thallo, a deity connected with the springtime. Auxo, "Increase"; Hegemone, "Leadership." These two Graces were worshiped at Athens.

[2] Polybius, xxxi, 25. E S. Shuckburgh, *The Histories of Polybius*, London, 1889, vol. ii, p. 444. Macmillan and Company, Ltd.

[3] *I.e.*, wheat.

[4] Eumenes II, king of Pergamum, 197–159 B.C.

governments to be more jealous of their dignity than private men, and above all a Rhodian government, considering the wealth of the country and its high pretensions.

134. The Ostentatious Man [1]

Theophrastus was the successor of Aristotle in the headship of the Peripatetic school at Athens. He died in 287 B.C. We possess two large botanical works which he composed, together with fragments of his writings on physics and other subjects in the field of science and philosophy. In general literature Theophrastus is remembered as the author of the graphic sketches known as the *Characters*, forming the first recorded attempt at systematic delineation of moral types. This work has been translated into almost all European languages and has found many imitators in modern literature.

Petty Ambition would seem to be a mean craving for distinction.

The man of Petty Ambition is one who, when asked to dinner, will be anxious to be placed next to the host at table. He will take his son away to Delphi to have his hair cut.[2] He will be careful, too, that his attendant shall be an Æthiopian:[3] and, when he pays a mina, he will cause the slave to pay the sum in new coin. Also he will have his hair cut very frequently, and will keep his teeth white; he will change his clothes, too, while still good; and will anoint himself with unguent.[4] In the market-place he will frequent the bankers' tables; in the gymnasia he will haunt those places where the young men take exercise; in the theatre, when there is a representation, he will sit near the Generals. For himself he will buy nothing, but will make purchases on commission for foreign friends — pickled olives to go to Byzantium, Laconian hounds for Cyzicus, Hymettian honey for Rhodes; and will talk thereof to people at Athens. Also he is

[1] Theophrastus, *Characteres*, vii (xxi). Sir R. C. Jebb, *The Characters of Theophrastus* (Second Edition), London, 1909, pp. 61–69. Edited by Sir J. E. Sandys. Macmillan and Company, Ltd.

[2] An Athenian boy on completing his sixteenth year became technically a youth (*ephebos*). His long hair was then cut off and a lock dedicated to some god, often the Delphian Apollo.

[3] African slaves were a luxury introduced into Greece after Alexander's conquests.

[4] Instead of plain olive-oil.

very much the person to keep a monkey; to get a satyr ape, Sicilian doves, deer-horn dice, Thurian vases of the approved rotundity, walking-sticks with the true Laconian curve, and a curtain with Persians embroidered upon it. He will have a little court provided with an arena for wrestling and a ball-alley, and will go about lending it to philosophers, sophists,[1] drill-sergeants, musicians, for their displays; at which he himself will appear upon the scene rather late, in order that the spectators may say one to another, "This is the owner of the palæstra." When he has sacrificed an ox, he will nail up the skin of the forehead, wreathed with large garlands, opposite the entrance, in order that those who come in may see that he has sacrificed an ox. When he has been taking part in a procession of the knights, he will give the rest of his accoutrements to his slave to carry home; but, after putting on his cloak, will walk about the market-place in his spurs. He is apt, also, to buy a little ladder for his domestic jackdaw, and to make a little brass shield, wherewith the jackdaw shall hop upon the ladder. Or if his little Melitean dog has died, he will put up a little memorial slab, with the inscription, A SCION OF MELITA. If he has dedicated a brass ring[2] in the temple of Asclepius, he will wear it to a wire with daily burnishings and oilings. It is just like him, too, to obtain from the presidents of the Senate by private arrangement the privilege of reporting the sacrifice to the people; when, having provided himself with a smart white cloak and put on a wreath, he will come forward and say: "Athenians! we, the presidents of the Senate, have been sacrificing to the Mother of the Gods meetly and auspiciously; receive ye her good gifts!" Having made this announcement he will go home to his wife and declare that he is supremely fortunate.

[1] *I.e.*, professors of rhetoric

[2] Probably a ring worn as an amulet.

135. Survivals in Roman Marriage Ceremonies [1]

Plutarch was one of the first of folklorists. The work which he called "Roman Questions," forming a part of his voluminous *Morals*, contains one hundred and thirteen interrogatories on matters political, religious, and antiquarian, each one followed by an explanation or by several explanations. Our author seems to have drawn on good sources, particularly the Roman Varro and the Greek Dionysius of Halicarnassus. These he used intelligently and with perhaps no more errors than might be expected in a writer dealing with the customs of foreigners whose language he understood imperfectly.

Q. Why do they bid the bride touch fire and water?

A. Is it because elemental or primal fire and water are respectively masculine and feminine, the former supplying origins of motion, the latter representing the faculty of subject or matter? Or because fire cleanses and water purifies, and the bride must remain clean and pure? Or thus: fire without moisture is without nourishment and dry, while water without heat is barren and inactive; and so male and female apart from each other are ineffectual, but their coming together in marriage produces the perfect communal life? Or does it signify that man and wife must not desert each other, but share in all fortune, even though they are to have nothing to share with each other save fire and water?

Q. Why, instead of letting the bride walk over the threshold on her own feet, do her attendants lift her over?

A. Is it because their first wives were kidnapped and brought in in this manner,[2] not of their own accord? Or do they wish them to appear as if they entered under constraint and not of their own will the place where they will lose their virginity? Or does it signify that, as the wife entered under constraint into the house, so she is not to leave it nor go forth of her own accord, but only if constrained? So our Boiotians burn before the door the axle of the bride's carriage, meaning thereby that she must stay now that her means of departing are destroyed.

[1] Plutarch, *Quæstiones Romanæ*, 1, 29, 30, 86, 87, 105. H. J. Rose, *The Roman Questions of Plutarch*, Oxford, 1924, pp. 119, 132, 133, 157, 158, 164. Clarendon Press.

[2] Referring, of course, to the rape of the Sabine women.

Q. Why, when they fetch the bride home, do they bid her say "Where thou art Gaius I am Gaia?" [1]

A. Is it a kind of agreement to begin at once to share everything and manage all in common? The words then mean "Where you are lord and master I am lady and mistress." The names are common and used merely for illustration, as the lawyers talk of Gaius Seius and Lucius Titius, and the philosophers of Dion and Theon. Or is it in memory of Gaia Cæcilia, a fair and virtuous lady, wife of one of Tarquin's sons,[2] whose bronze image stands in the temple of Sanctus? Her sandals and her distaff also were long preserved there, signifying respectively her industry and her housewifery.

Q. Why do they not take wives during the month of May?

A. Is it because it comes between April and June, of which the former is sacred, as they hold, to Venus, the second to Iuno, both deities of marriage; and so they put the date of the wedding a little earlier or later? Or because in this month they perform their greatest ceremony of purification,[3] in which they nowadays throw effigies from the bridge into the stream, but in old days used to throw human beings? For this reason the Flaminica, who is supposed to be priestess of Iuno,[4] is then obliged to appear in mourning, neither bathing nor adorning herself. Or because many of the Latins in this month make offerings to their dead? which is perhaps the reason why they worship Mercury during it, and why it is named after Maia. Or, as some say, is May named after the elders (*maiores*), June after the younger generation (*iuniores*)? Now marriage fits younger folk better. . . . So they do not marry in May, but wait for June, which immediately follows it.

[1] This formula means: "To whatever family or clan you belong, I also belong."

[2] Plutarch makes the mistake of calling her the daughter-in-law, instead of the wife, of Tarquinius Priscus.

[3] This second explanation is certainly correct. The whole of May, as a season of purification, was unlucky for marriages. The superstition has descended to our own time.

[4] An error. The Flaminica was the wife of the Flamen Dialis, priest of Jupiter.

Q. Why do they part the hair of brides with the point of a javelin?

A. Does this symbolize the marriage of the first Roman wives by violence and with war? Or are the women thus taught that they are mated with brave and warlike men and so must admit no luxurious, effeminate, or complicated adornment? So Lykurgos ordered the doors and roofs of the houses to be made with saw and axe only, without using any other tool at all; whereby he banished all superfluity and extravagance. Or does the rite hint at the manner of their separation and indicate that only iron can annul the marriage? Or is it because most marriage ceremonies are connected with Iuno? Now the spear is held sacred to Iuno, most of her statues show her leaning on a spear, and the goddess herself is surnamed Quiritis; *curis* being an old word for "spear," whence they say Enyalios gets his Latin name Quirinus.

Q. What is the reason that on public festivals it is not customary for maids to marry, although widows do so?

A. Is it, as Varro says, because maids are sorry to marry, and women who are not maids are pleased? for nothing should be done at a festival unwillingly or by force. Or rather because it is seemly that there should be many present at the wedding of a maid, but unseemly that there should be too many at the wedding of a widow? A first marriage calls for congratulation, a second is undesirable, for if her first husband is still alive, she feels shame; if dead, grief, on taking a second. Therefore widows prefer quiet to a noisy escort. Now festivals call most people away and give them no time for such matters. Or because they were involved in a war over seizing the virgin daughters of the Sabines at a festival, and so came to think it a bad omen to marry virgins on holy days?

136. Upstart Women [1]

The Appian Law, checking the expensive habits of Roman women, had been passed in 215 B.C., during the strain of the second Punic war. It forbade any woman to have in her possession more than half an ounce

[1] Livy, xxxiv, 2–3. W. M. Roberts, *The History of Rome by Titus Livius*, London, 1912–1924, vol. v, pp. 45–47. J. M. Dent and Sons, Ltd.

of gold, to wear a dress of varied colors, or to ride in a two-horsed vehicle within a mile of Rome or of any Roman town unless she was going to take part in some religious ceremony. The law was repealed in 195 after a bitter struggle, in which Marcus Porcius Cato, one of the consuls, led the opposition. Livy puts in his mouth on this occasion a long speech, which, if never actually delivered by him, is at least *ben trovato*.

If we had, each one of us, made it a rule to uphold the rights and authority of the husband in our own households we should not now have this trouble with the whole body of our women. As things are now our liberty of action, which has been checked and rendered powerless by female despotism at home, is actually crushed and trampled on here in the Forum, and because we were unable to withstand them individually we have now to dread their united strength. . . . There is no class of women from whom the gravest dangers may not arise, if once you allow intrigues, plots, secret cabals to go on. . . . It was not without a feeling of shame that I made my way into the Forum through a regular army of women. Had not my respect for the dignity and modesty of some amongst them, more than any consideration for them as a whole, restrained me from letting them be publicly rebuked by a consul, I should have said, "What is this habit you have formed of running abroad and blocking the streets and accosting men who are strangers to you? Could you not each of you put the very same question to your husbands at home? Surely you do not make yourselves more attractive in public than in private, to other women's husbands more than to your own? If matrons were kept by their natural modesty within the limits of their rights, it would be most unbecoming for you to trouble yourselves even at home about the laws which may be passed or repealed here." Our ancestors would have no woman transact even private business except through her guardian; they placed them under the tutelage of parents or brothers or husbands. We suffer them now to dabble in politics and mix themselves up with the business of the Forum and public debates and election contests. What are they doing now in the public roads and at the street corners but recommending to the plebs the proposal of their tribunes and voting for the repeal of the law?

Give the reins to a headstrong nature, to a creature that has not been tamed, and then hope that they will themselves set bounds to their licence if you do not do it yourselves. This is the smallest of those restrictions which have been imposed upon women by ancestral custom or by laws, and which they submit to with such impatience. What they really want is unrestricted freedom, or to speak the truth, licence, and if they win on this occasion what is there that they will not attempt?

Call to mind all the regulations respecting women by which our ancestors curbed their licence and made them obedient to their husbands, and yet in spite of all those restrictions you can scarcely hold them in. If you allow them to pull away these restraints and wrench them out one after another, and finally put themselves on an equality with their husbands, do you imagine that you will be able to tolerate them? From the moment that they become your fellows they will become your masters. But surely, you say, what they object to is having a new restriction imposed upon them; they are not deprecating the assertion of a right but the infliction of a wrong. No, they are demanding the abrogation of a law which you enacted by your suffrages and which the practical experience of all these years has approved and justified. This they would have you repeal; that means that by rescinding this they would have you weaken all. No law is equally agreeable to everybody; the only question is, whether it is beneficial on the whole and good for the majority. If everyone who feels himself personally aggrieved by a law is to destroy it and get rid of it, what is gained by the whole body of citizens making laws which those against whom they are enacted can in a short time repeal?

137. Cato the Censor in His Family [1]

Plutarch's life of Marcus Porcius Cato (234–149 B.C.) describes a statesman and moralist who lived during the period when Roman society was undergoing a series of profound and far-reaching changes. The influx of Greek ideas and Greek customs that followed the second

[1] Plutarch, *Cato Major*, 20. Aubrey Stewart and George Long, *Plutarch's Lives*, London, 1883–1884, vol. ii, pp. 118–120. G. Bell and Sons, Ltd.

Punic war and Rome's conquests in the eastern Mediterranean, threatened to overthrow those earlier ideals of simplicity and honesty, of industry and economy, of patriotism and fidelity to the State, the possession of which had distinguished the Romans above all other ancient peoples. Cato spent his entire life in an endeavor to stem this revolutionary tide and to turn his countrymen back into the old ways of their forefathers. Plutarch's biography of him is not a contemporary source, but it has interest and value, nevertheless. The passage quoted illustrates the conviction of the ancients that true education must begin with the right sort of parental training in the home.

He was a good father and a good husband, and was in his private life an economist of no ordinary kind, as he did not despise money-making or regard it as unworthy of his abilities. For this reason I think I ought to relate how well he managed his private affairs. He married a wife who was well born, though not rich; for he thought that though all classes might possess equally good sense, yet that a woman of noble birth would be more ashamed of doing wrong, and therefore more likely to encourage her husband to do right. He used to say that a man who beat his wife or his children laid sacrilegious hands on the holiest of things. He also said that he had rather be a good husband than a statesman, and that what he especially admired in Sokrates the Philosopher was his patience and kindness in bearing with his ill-tempered wife and his stupid children. When his son was born, he thought that nothing except the most important business of state ought to prevent his being present while his wife washed the child and wrapped it in swaddling clothes. His wife suckled the child herself; nay she often gave her breast to the children of her slaves, and so taught them to have a brotherly regard for her own son.

As soon as he was able to learn, Cato himself taught him his letters, although he had a clever slave named Chilon, who taught many children to read. He himself declares that he did not wish a slave to reprove his son or pull his ears because he was slow at learning. He taught the boy to read, and instructed him also in the Roman law and in bodily exercises; not confining himself to teaching him to hurl the javelin, to fight in complete armour, and to ride, but also to use his fists in boxing, to endure

the extremes of heat and cold, and to swim through swiftly-flowing and eddying rivers. He tells us that he himself wrote books on history with his own hands in large letters, that the boy might start in life with a useful knowledge of what his forefathers had done, and he was as careful not to use an indecent expression before his son as he would have been before the vestal virgins. . . .

While Cato was engaged in this great work of forming his son's character and completing his education he found him eager to learn, and able to make great progress from his natural ability: but he appeared so weak and delicate that his father was obliged to relax the stern simplicity of his own life in his favour, and allow him some indulgences in diet. The young man, although so weakly, yet proved himself a good soldier in the wars, and distinguished himself greatly in the battle in which Æmilius Paulus defeated King Perseus.[1] Afterwards, upon the same day, he either had his sword struck from his hand or let it fall from weakness, and in his grief at the loss got together some of his friends and prevailed upon them again to charge the enemy. With great exertions they succeeded in clearing a space, and at length discovered his sword under a great heap of arms and corpses of friends and foes alike which were piled upon it. Paulus, the commander-in-chief, was much pleased with the youth's eagerness to regain his sword, and sent a letter to Cato in which he spoke in the highest terms of the courage and honourable feeling which he had shown. He afterwards married Tertia, the sister of Scipio,[2] and had the gratification of pleasing his father as much as himself by thus allying himself with one of the noblest families in Rome. Thus was Cato rewarded for the care which he had bestowed upon his son's education.

138. A Roman Matron to Her Husband [3]

Four books of elegiac verse have come down to us from Propertius. The fourth book, containing the noble consolatory elegy here quoted,

[1] At the battle of Pydna, 168 B.C.

[2] Publius Cornelius Scipio Æmilianus.

[3] Propertius, *Carmina*, iv, 11. H. E. Butler, *Propertius*, London, 1912, pp. 331–339. William Heinemann, Ltd.

was published not later than 16 B.C. The poem is spoken in the person of a departed wife (Cornelia, half-sister to Julia, daughter of Augustus) to her husband Paullus.

Cease, Paullus, to burden my grave with tears: no prayers may open the gate of darkness; when once the dead have passed beneath the rule of Hell the ways are barred with inexorable adamant. Though thine entreaty reach the ears of the god that reigns in the house of gloom, the shores of Styx shall drink thy tears unmoved. Heaven only is won by supplication: when the ferryman has received his toll, the pale portal closes on the world of shadows. Such was the burden of the trumpets' strain, when the loathed torch was placed beneath my pyre and the flames engulfed my head.

What availed me the wedded love of Paullus? what the triumphal chariot of mine ancestors, or those that live to bear witness to their mother's glory? Cornelia found not therefore the Fates less cruel, and lo! I am now but one little handful of dust. Dark night of doom, and ye, O shallow, stagnant meres, and every stream that winds about my feet, guiltless, though untimely, am I come hither, and may Father Dis [1] deal gentle judgment to my soul. . . .

My life was changeless; through all its days it knew no slander: 'twixt torch of marriage and torch of death ours was a life of high renown. The laws I followed sprang from pride of blood: 'twas nature gave me them, that no fear of judgment might lead me toward virtue. . . .

Yet well did I merit the robe of honour,[2] nor childless was the household whence I was snatched away. Thou, Lepidus, and thou, Paullus, are my comfort even in death; in your bosom were mine eyelids closed. My brother also I saw twice throned in the curule chair, and 'twas in the very hour of rejoicing, when they chose him consul,[3] that I his sister was rapt away. And thou, my daughter, born to be the mirror of thy father's censorship, see thou follow mine example and wed one and one only. My

[1] The Roman Dis Pater corresponded to the Greek Pluto.
[2] Awarded to the wife that had borne three children.
[3] P. Cornelius Scipio, consul 16 B.C.

children, get you children also to be pillars of the house: I grudge not now to put forth in the boat of death, since so many of my blood shall add fresh lustre to my deeds. This is the supreme honour of a woman's triumph, that outspoken rumour should praise her dead ashes.

And now to thee, Paullus, I commend our children, the common pledges of our love: this care yet lives deep-burned even into mine ashes. Father, 'tis thine to fill the mother's room; thy neck alone must bear all my children's throng. When thou dost kiss their tears away, add thereto their mother's kisses; henceforth the whole house must be thy burden. And if thou must weep at all, weep when they are not by; when they come to thee, cheat their kisses with tearless eye. Enough for thee, Paullus, be the nights thou wearest out with memories of me, enough the dreams wherein so oft thou thinkest to see my very self: and when in secret thou shalt speak unto mine image, breathe every word as though to one that should reply.

Yet if another couch shall front the portals of our hall, and a wary stepdame usurp my bed, my sons, praise and endure your father's spouse; your virtues shall win her heart to yield. Nor praise your mother overmuch: she will be angered if in unguarded speech ye compare her with her that was. Or if he forget me not, if my shade sufficeth him and he still doth prize mine ashes, learn even now to note how old age steals upon him, and leave no path for grief to assail his widowed heart. May the years that were snatched from me be added to your years; thus may my children's presence sweeten old age for Paullus. Aye, and 'tis well: ne'er did I don a mother's mourning weeds; all, all my children came to my graveside.

My pleading is accomplished; rise, ye my witnesses that weep my loss, and wait Earth's kindly sentence that shall give the reward my life hath earned. Even heaven hath unbarred its gates to virtue; may my merit win its guerdon and mine ashes be borne to dwell with my glorious ancestors.

139. Horace's Father [1]

Two books or collections of poems, usually though not very appropriately called *Satires*, were published by Horace between 35 and 30 B.C. The satire here quoted was addressed to the poet's friend and patron, Mæcenas.

But after all, if the faults are slight and few in a nature otherwise sound, as you might find a mole here or there to notice on a handsome person, if no one will truly charge me with avarice or meanness or debauchery, if my life is without stain or harm (forgive my egotism), and if my friends love me, for all this I have to thank my good father, who, though a poor man with a hungry little farm, yet would not send me to Flavius' school,[2] whither the sons of centurions, bigger and grander than I, with satchel and tablet hung on left arm, used to go carrying every Ides [3] their fee of eight brass pieces each; but ventured to carry off his boy to Rome to be taught all the accomplishments that any knight or senator would have his children taught. Any one who saw how I was dressed, and what a train of slaves I had after the fashion of a great city, would have supposed that such expenditure was furnished from inherited wealth. What he did for me himself was to come with me daily from lecture to lecture, the safest of possible governors. Need I say more? He kept me modest, which is virtue's earliest distinction, and safe not only from deed of shame but from breath of scandal. He had no fear that by-and-by, if I should have to earn a small livelihood as an auctioneer, or, as he was himself, a collector of dues, some one would say he had wasted his money. Nor in the event should I have made that complaint; but as things have turned out I owe him the greater praise and the greater gratitude. Never while I am in my sound senses could I be ashamed of such a father. And so I do not mean to defend myself, as a large part of the world would do, by saying that it is not the fault of

[1] Horace, *Satires*, i, 6, 65–92. E. C. Wickham, *Horace for English Readers*, Oxford, 1903, pp. 187–189 Clarendon Press.

[2] At Venusia, Horace's birthplace.

[3] Various business transactions were entered into regularly on the Calends, Nones, and Ides.

malice prepense that they had not free-born or illustrious parents.

140. Agricola [1]

Tacitus, the son-in-law of the statesman and general Agricola, published his laudatory biography probably in 98 A.D.

Fortune favoured Agricola not only in the brilliance of his life, but also in the opportune moment of his death.[2] Those who were present to hear his last words tell how he waited for the end firmly and cheerfully, willing, it seemed, to give the Emperor, as far as might be, a free pardon from guilt. But for myself and for his daughter, besides the untimely loss of a father, our grief was the greater because it was not granted us to sit beside his sick-bed, to cherish his failing strength, to sate our sorrow with a last look and a last embrace. Eagerly, indeed, would we have caught up his last words and instructions, and have planted them deep in our hearts. . . . Best of fathers! with that most loving wife beside you, doubtless all was fully done that could be in your honour; yet the fewer tears bemourned you there, and ere your eyes closed for ever on the light, something there was for which they longed in vain.

If there be any place for the spirits of good men: if, as philosophers hold, great souls do not perish with the body, then is Agricola at rest, quietly calling us, his household, from weak regret and womanish tears to the thought of his noble character, for which it is not right to weep or mourn. Let us rather pay him our homage in admiration and in endless praise, and, if nature grant us power, by growing like him. This is the true honour, this the true duty of his nearest kin. This would be my precept to his daughter and to his wife, to reverence the memory of father and of husband, by pondering all his words and actions in their hearts, and embracing the form and feature not of his body, but of his soul. Not that I would have a veto laid on

[1] Tacitus, *Agricola*, 45–46. W. H. Fyfe, *Tacitus; Dialogus, Agricola, and Germania*, Oxford, 1908, pp. 86–87. Clarendon Press.

[2] Agricola died in 93 A.D., poisoned, so the rumor ran, by the orders of the tyrant Domitian.

statues of marble or of bronze: but men's statues, like the faces they depict, are weak and crumbling; the soul's beauty lives for ever; and that beauty you may preserve and express, not in stone by some sculptor's art, but yourself in the traits of your own character. All that we have loved in Agricola, all that we have admired lives and will live to all eternity of time in the minds of men and in the record of their deeds. Many of our forefathers are buried in oblivion, as though their pride and glory had never been. Agricola's story has been handed down to all posterity: he will survive.

141. Old Roman Education [1]

The *Dialogue on Orators*, probably the first work of Tacitus, was written toward the close of the first century A.D. It discusses, among other literary topics, the differences between the oratory of Cicero's time and that of contemporary speakers. There are some interesting remarks, which Tacitus puts in the mouth of Messala, one of the four speakers in the dialogue, on the change for the worse that had taken place in Roman education.

Everybody knows why oratory and all the other arts have degenerated from their former glory. The cause is not a dearth of students, but rather the indolence of our young men, the indifference of their parents, the ignorance of the professed teachers, and the general neglect of the old-world morality. These evils, originating in Rome, gradually permeated Italy, and are now finding their way into the provinces. Well, you know your own homes best, so I will confine myself to these native Roman vices which infect our sons in their very cradles, and grow upon them more and more every year. But first I must say a word about our ancestors' strict methods of training, by which they formed their sons' characters. In the old days every Roman's son, born in wedlock, was reared not in the lodgings of some hired nurse, but at his mother's knee and under her sheltering care. Her function was to keep house and devote herself to her children. She could have no higher praise. How-

[1] Tacitus, *Dialogus de oratoribus*, 28–30. W. H. Fyfe, *Tacitus; Dialogus, Agricola, and Germania*, Oxford, 1908, pp. 29–31. Clarendon Press.

ever, they also selected a relative, some lady of ripe years and reliable character, to whose charge all the children of the family could be safely entrusted. In her presence they could say nothing disgraceful and do nothing dishonourable. She not only controlled their studies and school exercises, but her modest piety also had a refining influence upon their leisure hours and childish recreations. It was thus, we read, that Cornelia the mother of the Gracchi, Aurelia the mother of Cæsar, and Atia the mother of Augustus, presided over their boys' early education and brought them up to be leaders of men. And what was the result of this strict training? The young man grew up frank and honest, untainted by any moral blemish, and was ready to devote himself at once, heart and soul, to some honourable calling. Whatever his inclination — whether towards the army or the law or the art of public speaking — he gave his whole attention to his profession and probed its possibilities to the full.

But in these days our babies are handed over to some Greek servant-girl, while one of the men-servants — often a low scoundrel unfit for any important charge — is told off at random to help her. From his tenderest years the child's untaught mind is filled with these nurses' superstitious tales. Throughout the household no one feels any scruples about anything we may do or say in the presence of the young master. Nay, even parents do not train their boys in honesty and modest behaviour, but let them grow up insubordinate and saucy, till they gradually lose all sense of shame and all respect for themselves and for other people. Then there is a peculiar Roman failing with which our children seem to be imbued at birth — I mean the passion for the theatre and for looking on at athletic contests. When a man's mind is filled with such interests, there is little room left for intellectual pursuits. Yet how many people are there who talk of anything else at home? What else do you hear young men discussing, if you go into a lecture-room and listen to their conversation? Why, even the masters talk more on these subjects to their classes than on any other, for they attract pupils not by strict discipline or by proved ability but by obsequious behaviour and seductive flattery.

I pass by the question of elementary education, though there too great negligence is shown. Far too little labour is spent on the study of literature and of history, or in acquiring knowledge of science or of philosophy or of politics. Everybody seeks out the people they call "rhetoricians."

142. Decree Concerning Teachers [1]

Two important privileges of masters and scholars in medieval universities were exemption from taxation and the right of trial before special courts. Teachers expressly enjoyed the same privileges by Roman law, as embodied in the codes of Theodosius and Justinian. The following decree of Constantine the Great, issued in 321 A.D., is typical of the legislation on this subject.

We ordain that doctors, grammarians and other professors of letters, and the goods which they possess in their cities, shall be exempt from taxation and shall have the honors due to their functions. We forbid their citation to court, or the infliction of any injury upon them. If anyone harasses them, he shall pay one hundred thousand *nummi* to the treasury, exacted by the magistrates or the quinquennials, or else they themselves shall be subject to this penalty. If a slave has done them injury, he shall be beaten with rods by his master in the presence of the injured party; but if the master shall have consented to the injury, he shall pay twenty thousand pieces to the treasury, and the slave shall be retained as a pledge until this sum is paid. We order that their goods and salaries shall be duly paid. And since like parents, masters and tutors they ought not to be loaded with onerous offices, we permit them to fulfil public offices if they are willing; but we do not compel them to do so contrary to their inclination.

[1] *Codex Theodosianus*, xiii, 3, 1. P. R. Cole, *Later Roman Education in Ausonius, Capella, and the Theodosian Code*, New York, 1909, p. 299. Columbia University Contributions to Education, No. 27.

143. A Satirist of Roman Society [1]

Marcus Valerius Martialis (*c.* 40–*c.* 104 A.D.), a Spaniard by birth, came to Rome as a young man, won the friendship of eminent patrons, including Pliny the Younger, and for many years supported himself by the sale of his poems. In a letter composed shortly after Martial's death, Pliny describes him as "a man of genius, witty and caustic, yet one who in his writings showed as much candor as he did biting wit and ability to sting" (*Epistulae*, iii, 21). He composed more than twelve hundred epigrams, each a brief poem, the concentration of satire and pointed invective. They tell us a good deal about Roman society during the first century of the empire.

Lately you did not possess a full two millions,[2] and yet so profuse and open-handed, and so large in entertainment were you, Calenus, that all your friends wished you ten. The god heard our vows and prayers, and within, I think, seven months, four deaths gave you this sum. But you, just as if nothing had been left you, but rather your two millions robbed from you, came down — wretched man! — to such starvation parsimony that those more sumptuous banquets which you provide just once in the whole year you now set out at the squalid expenditure of dirty coppers; and we, your seven old comrades, cost you only a half-pound of bad silver. What reward for merits like those should we pray for? We wish you a hundred millions, Calenus. If this sum fall to you, you will die of hunger.

What reason or what confidence draws you to Rome, Sextus? What do you either hope or look for from that quarter? tell me. "I will conduct cases," you say, "more eloquently than Cicero himself, and there shall be in the three Forums no man my match." Atestinus and Civis each conducted cases — you knew both — but neither made his full rent. "If nothing comes from this source, I will compose poems; hear them, you will call them Maro's [3] work." You are crazy; in all those fellows there

[1] Martial, *Epigrammata*, i, 99; iii, 38, 44, 62; iv, 8; v, 20; x, 30, 31, 47, 48, 62, xi, 52, 56, 70; xii, 57. W. C. A. Ker, *Martial; Epigrams*, London, 1919–1920, vol. i, pp. 91, 185, 189, 203, 235, 311; vol. ii, pp. 175, 177, 189, 191, 201, 275, 279, 289, 359. William Heinemann, Ltd.

[2] Of sesterces.

[3] Publius Vergilius Maro.

with their chill mantles you see Nasos [1] and Virgils. "I will court the halls of great men." Barely three or four has that procedure supported; all the rest of the crowd are pale with hunger. "What shall I do? Advise me, for I am bent on living in Rome." If you are a good man you may live, Sextus, by accident.

That no man willingly meets you, that, wherever you arrive, there is flight and vast solitude around you, Ligurinus, do you want to know what is the matter? You are too much of a poet. This is a fault passing dangerous. No tigress roused by the robbery of her cubs, no viper scorched by tropic suns, nor deadly scorpion is so dreaded. For who, I ask you, would endure such trials? You read to me while I am standing, and read to me when I am sitting; while I am running you read to me, and read to me while I am using a jakes. I fly to the warm baths: you buzz in my ear; I make for the swimming bath: I am not allowed to swim; I haste to dinner: you detain me as I go; I reach the table: you rout me while I am eating. Wearied out, I sleep: you rouse me up as I lie. Do you want to appreciate the evil you cause? Though you are a man just, upright, and harmless, you are a terror.

You buy slaves for a hundred thousand, and often for two hundred thousand sesterces apiece; you drink wines laid down in King Numa's reign; no vast amount of furniture stands you in a million; a pound of silver plate runs off with five thousand; a gilt coach is acquired at the price of a farm; you buy a mule for more than a town mansion. Do you think, Quintus, that you acquire these things because you have a great mind? You are deceived. These are what a puny mind buys, Quintus.

The first and the second hour wearies clients at the levee, the third hour sets hoarse advocates to work; till the end of the fifth Rome extends her various tastes; the sixth gives rest to the tired; [2] the seventh will be the end. The eighth to the ninth suffices for the oiled wrestlers; the ninth bids us crush the piled

[1] Publius Ovidius Naso.
[2] The siesta.

couches. The tenth hour is the hour for my poems, Euphemus, when your care sets out the ambrosial feast, and kindly Cæsar [1] soothes his heart with heavenly nectar, and holds in mighty hand his frugal cup. Then admit my jests: my Thalia [2] fears with unlicensed step to approach a morning Jove.

If I and you, dear Martial, were permitted to enjoy careless days, if permitted to dispose an idle time, and both alike to have leisure for genuine life, we should not know the halls or mansions of men of power, nor worrying lawsuits and the anxious forum, nor lordly ancestral busts; but the promenade, the lounges, the bookshops, the plain, the colonnade, the garden's shade, the Virgin water,[3] the warm baths — these should be our haunts always, these our tasks. To-day neither lives for himself, and he feels the good days are flitting and passing away, our days that perish and are scored to our account. Does any man, when he knows how to live, delay?

O temperate Formiæ,[4] darling shore! When he flies from stern Mars' town, and wearedly puts off distracting cares, 'tis you Apollinaris prefers to every spot. . . . Here Ocean's surface is ruffled by a gentle breeze; yet is not the sea-floor still, but a slumberous swell bears on the gaudy shallop with the assisting air, as from the fluttering of a girl's purple fan, when she shuns the heat, there comes refreshing cool. The line seeks not its prey in the distant sea, but the fish, descried from above, draws down the cord cast from bed or couch. If ever Nereus [5] feel the power of Æolus,[6] the table, safe-supplied from its own store, laughs at the storm; the fishpond feeds turbot and home-reared bass; to its master's call swims the dainty lamprey; the usher summons a favourite gurnard, and, bidden to appear, aged mullets put forth their heads. But when dost thou, Rome,

[1] Domitian (81–96 A.D.), whose favor Martial enjoyed. According to Suetonius, the emperor was temperate in his drinking.

[2] The muse of comedy and bucolic poetry.

[3] Cold baths in water brought by an aqueduct (the Aqua Virgo) from Præneste.

[4] A famous seaside resort in Latium, south of Rome.

[5] A sea god.

[6] God of winds.

permit to enjoy those delights? How many days of Formiæ does the year put to the credit of one tied to city business? O happy porters and bailiffs! Those delights are procured for your masters, they belong to you!

You sold a slave yesterday for twelve hundred sesterces, Calliodorus, that you might dine well once. You have not dined well: a four-pound mullet which you bought was the ornament and chief dish of your dinner. A man may cry, "This is not a fish, not a fish, you profligate: 'tis a man; a man, Calliodorus, is what you eat."

The things that make life happier, most genial Martial, are these: means not acquired by labour, but bequeathed; fields not unkindly, an ever blazing hearth; no lawsuit, the toga seldom worn, a quiet mind; a free man's strength, a healthy body; frankness with tact, congenial friends, good-natured guests, a board plainly spread; nights not spent in wine, but freed from care, a wife not prudish and yet pure; sleep such as makes the darkness brief: be content with what you are, and wish no change; nor dread your last day, nor long for it.

Her crowd of priests announces to the Egyptian heifer[1] the eighth hour, and the prætorian guard now returns to camp and another takes its place. This hour tempers the warm baths, the hour before breathes heat too great, and the sixth is hot with the excessive heat of Nero's baths. Stella, Nepos, Canius, Cerialis, Flaccus, do you come? My crescent couch takes seven: we are six, add Lupus. My bailiff's wife has brought me mallows . . . and the various wealth the garden bears; amongst which is squat lettuce and clipped leek, and flatulent mint is not wanting nor the salacious herb;[2] sliced eggs shall garnish lizard-fish served with rue, and there shall be a paunch dripping from the tunny's brine. Herein is your whet: the modest dinner shall be served in a single course — a kid rescued from the jaws of a savage wolf, and meat-balls to require no carver's knife, and

[1] The goddess Isis, whose temple was closed at the eighth hour.

[2] *Eruca*, or rocket.

beans, the food of artisans, and tender young sprouts; to these a chicken, and a ham that has already survived three dinners, shall be added. When you have had your fill I will give you ripe apples, wine without lees from a Nomentan flagon, which was three years old in Frontinus' second consulship. To crown these shall be jests without gall, and a freedom not to be dreaded the next morning, and no word you would wish unsaid; let my guest converse of the Green and the Blue;[1] my cups do not make any man a defendant.

Schoolmaster, spare your simple flock; so in crowds may curly-headed boys listen to you, and a dainty bevy round your table be fond of you, and no arithmetic master or rapid shorthand teacher be ringed with a larger circle. The glaring days glow beneath flaming Leo,[2] and blazing July ripens the parched grain. Let the Scythian's hide, thonged with bristling lashes, with which Marsyas of Celænae was scourged,[3] and the alarming ferules, sceptres of pedagogues, rest and sleep till October's Ides.[4] In summer if boys are well, they learn enough.

You will dine nicely, Julius Cerialis, at my house; if you have no better engagement, come. You will be able to observe the eighth hour;[5] we will bathe together: you know how near Stephanus' baths are to me. First, there will be given you lettuce . . . . and shoots cut from their parent leeks; then tunny salted and bigger than a small lizard-fish, and one too which eggs will garnish in leaves of rue. Other eggs will not be wanting, roasted in embers of moderate heat, and a lump of cheese ripened over a Velabran hearth, and olives that have felt the Picenian frost. These are enough for a whet: do you want to know the rest? I will deceive you to make you come: fish, mussels, sow's paps, and fat birds of the poultry-yard and the

[1] Factions of the charioteers in the Circus Maximus.

[2] The constellation of Leo Major.

[3] Referring to the legend that the satyr Marsyas, having challenged Apollo to a musical contest on the flute, and having been defeated, was flayed alive by the god for his presumption.

[4] October 15.

[5] The usual hour for dining in summer, the bath being taken before.

marsh, which even Stella is not used to serve except at a special dinner. More I promise you: I will recite nothing to you, even although you yourself read again your "Giants" straight through, or your "Pastorals" that rank next to immortal Virgil.

Because you, Stoic Chæremon, so much praise death, do you want me to admire and look up to your mind? 'Tis a jug with a broken handle that creates this virtue of yours, and a melancholy hearth chill with no fire, and a beggar's rug, and bugs and the framework of a bare truckle-bed, and a short toga, your one covering night and day alike. Oh, what a great man you are, who can do without dregs of red vinegar and straw and black bread! Come, imagine your pillow swells with Leuconian wool, and that close-napped purple binds your couches, and a boy waits upon you who, while he mixed the Cæcuban yesterday, distracted your guests with his rosy lips! Oh, how you will long to live Nestor's years thrice over, and wish to lose no moment of any day! In narrow means 'tis easy to despise life: he acts the strong man who is wretched and can endure.

Can you endure to sell, Tucca, those you bought for a hundred thousand sesterces? Can you endure, Tucca, to sell your weeping masters? Do not their caresses, or their prattle or artless plaints, or the necks wounded by your tooth, move you? Ah, shame! . . . . If money paid down is your attraction, sell silver plate, tables, porcelain cups, land, town-house; sell aged slaves — they will pardon — sell paternal slaves; to avoid selling your boys, sell, wretched man, everything. 'Twas extravagance to buy these boys — for who either doubts or denies it? — but much greater extravagance is it to sell them.

Do you ask why I often resort to my small fields in arid Nomentum,[1] and the unkempt household of my villa? Neither for thought, Sparsus, nor for quiet is there any place in the city for a poor man. Schoolmasters in the morning do not let you live; before daybreak, bakers; the hammers of the coppersmiths all day. On this side the money-changer idly rattles on his dirty

[1] A Sabine town, fourteen miles from Rome.

table Nero's coins,[1] on that the hammerer of Spanish gold-dust beats his well-worn stone with burnished mallet; and Bellona's [2] raving throng does not rest, nor the canting shipwrecked seaman with his swathed body, nor the Jew taught by his mother to beg, nor the blear-eyed huckster of sulphur wares. He who can count the losses lazy sleep must bear will say how many brass pots and pans city hands clash when the eclipsed moon is being assailed by the Colchian magic-wheel.[3] You, Sparsus, know nothing of these things, and cannot know, luxurious as you are in your Petilian domain [4] whose ground floor looks down on the hill tops, and where you have country in the town, and a Roman for your vine-dresser — not on Falernian hills [5] is there a greater crop — and within your boundary a broad drive for your curricle, and unfathomed depths of slumber, and a stillness broken by no tongues, and no daylight unless you let it in. As for me, the laughter of the passing throng wakes me, and Rome is at my bed's head. Whenever, worn out with worry, I wish to sleep, I go to my villa.

[1] Perhaps coins of light weight introduced by Nero.

[2] Goddess of war.

[3] Eclipses were attributed to evil spirits, who had to be driven away by making as much noise as possible.

[4] A palace on the Janiculum that had once belonged to Petilius.

[5] Falernian wine, from a district of northern Campania, was much prized by the Romans.

SECTION X

SCIENCE

144. Thales on the First Principle of Things [1]

Science, or physical philosophy, originated in Ionia, which in the sixth century B.C. formed the intellectual center of the Greek world. According to Aristotle its founder was Thales of Miletus (*c.* 624–546 B.C.). There are stories of his travels, and he is credited with having introduced into Greece the knowledge of geometry gained in Egypt. He is also said to have predicted a solar eclipse, or at least the year in which it happened (585 B.C.). Tradition made him out a statesman, as well as a philosopher, and he ranked as the first of the "seven wise men" of Greece. He seems to have left no writings; at any rate, none have come down to us. What we know of him is derived entirely from the Aristotelian writings and from compilations that appeared in still later times. These all agree that Thales found in water the single uncreate and imperishable element from which all the various forms of matter arise. Other philosophers were to find it in air or in fire or in something intermediate between earth and water on the one hand and air and fire on the other. By seeking to understand the world, instead of simply repeating cosmological myths, these men began an intellectual movement that has continued to our own time. The statements concerning Thales here quoted are those of Theophrastus, Ætius, and other Greek authors.

Of those who say that the first principle is one and movable, to whom Aristotle applies the distinctive name of physicists, some say that it is limited; as, for instance, Thales of Miletos, son of Examyes, and Hippo, who seems also to have lost belief in the gods. These say that the first principle is water, and they are led to this result by things that appear to sense; for warmth lives in moisture and dead things wither up and all germs are moist and all nutriment is moist. Now it is natural that things should be nourished by that from which each has come; and water is the first principle of moist nature . . . ; accordingly they assume that water is the first principle of all things, and they

[1] Arthur Fairbanks, *The First Philosophers of Greece*, New York, 1898, pp. 4–5. Charles Scribner's Sons.

assert that the earth rests on water. Thales is the first to have set on foot the investigation of nature by the Greeks; although so many others preceded him, in Theophrastos's [1] opinion he so far surpassed them as to cause them to be forgotten. . . .

It is said that Thales of Miletos, one of the seven wise men, was the first to undertake the study of physical philosophy. He said that the beginning and the end of all things is water. All things acquire firmness as this solidifies, and again as it is melted their existence is threatened; to this are due earthquakes and whirlwinds and movements of the stars. And all things are movable and in a fluid state, the character of the compound being determined by the nature of the principle from which it springs. This principle is god, and it has neither beginning nor end. Thales was the first of the Greeks to devote himself to the study and investigation of the stars, and was the originator of this branch of science. . . .

Thales was the earliest thinker to regard water as the first principle of all things. For from this all things come, and to it they all return.

Thales of Miletos regards the first principle and the elements as the same thing. But there is a very great difference between them, for elements are composite, but we claim that first principles are neither composite nor the result of processes. So we call earth, water, air, fire, elements; and we call them first principles for the reason that there is nothing antecedent to them from which they are sprung, since this would not be a first principle, but rather that from which it is derived. Now there is something anterior to earth and water from which they are derived, namely the matter that is formless and invisible, and the form which we call entelechy, and privation. So Thales was in error when he called water an element and a first principle.

[1] Aristotle's principal disciple; author (among other works) of a book on the history of physics.

145. Cosmology of Anaxagoras [1]

Anaxagoras of Clazomenæ flourished about 460 B.C. He took up his abode at Athens, where he had the youthful Pericles as a pupil. His cosmological views, derived from those of the earlier Milesian philosopher, Anaximenes, brought him into collision with the polytheism of the multitude, and he was accused of impiety toward the gods. According to Plutarch's account of the matter, he was convicted and cast into prison, whence Pericles rescued him with difficulty. Driven from his adopted home, Anaxagoras went back to Ionia and lived there in honor for the rest of his life.

The earth is flat in shape, and remains suspended because of its size and because there is no vacuum. For this reason the air is very strong, and supports the earth which is borne up by it.

Of the moisture on the surface of the earth, the sea arose from the waters in the earth (for when these were evaporated the remainder turned salt), and from the rivers which flow into it.

Rivers take their being both from the rains and from the waters in the earth; for the earth is hollow and has waters in its cavities. And the Nile rises in summer owing to the water that comes down from the snows in Ethiopia.

The sun and the moon and all the stars are fiery stones carried round by the rotation of the æther.[2] Under the stars are the sun and moon, and also certain bodies which revolve with them, but are invisible to us.

We do not feel the heat of the stars because of the greatness of their distance from the earth; and, further, they are not so warm as the sun, because they occupy a colder region. The moon is below the sun, and nearer us.

The sun surpasses the Peloponnesos in size. The moon has not a light of her own, but gets it from the sun. The course of the stars goes under the earth.

The moon is eclipsed by the earth screening the sun's light from it, and sometimes, too, by the bodies below the moon coming

[1] Hippolytus, *Refutatio omnium hæresium*, i, 8, 3–12. John Burnet, *Early Greek Philosophy* (Third Edition), London, 1920, pp. 270–271. A. and C. Black, Ltd.

[2] Plato (*Apologia*, 26) says that the Athenians prosecuted Anaxagoras because he taught that the sun is a red-hot stone and the moon earth.

before it. The sun is eclipsed at the new moon, when the moon screens it from us. Both the sun and the moon turn back in their courses owing to the repulsion of the air. The moon turns back frequently, because it cannot prevail over the cold.

Anaxagoras was the first to determine what concerns the eclipses and the illumination of the sun and moon. And he said the moon was of earth, and had plains and ravines in it. The Milky Way was the reflexion of the light of the stars that were not illuminated by the sun. Shooting stars were sparks, as it were, which leapt out owing to the motion of the heavenly vault.

Winds arose when the air was rarefied by the sun, and when things were burned and made their way to the vault of heaven and were carried off. Thunder and lightning were produced by heat striking upon clouds.

Earthquakes were caused by the air above striking on that beneath the earth; for the movement of the latter caused the earth which floats on it to rock.

146. Aristotle on Plants and Animals [1]

Aristotle (384–322 B.C.), who collected, described, analyzed, and dissected many hundreds of species of plants and animals, may be said to have founded natural history. His biological observations are now superseded, but they occupied the field for more than eighteen centuries, and they still possess interest and importance for the history of science. As the following selection shows, Aristotle had some conception of the orderly development of all living things from lower to higher forms.

The nature of animals and their mode of reproduction has now been described. Their actions and mode of life also differ according to their disposition and their food. For almost all animals present traces of their moral dispositions, though these distinctions are most remarkable in man. For most of them, as we remarked, when speaking of their various parts, appear to exhibit gentleness or ferocity, mildness or cruelty, courage or cowardice, fear or boldness, violence or cunning; and many of them exhibit something like a rational consciousness, as we

[1] Aristotle, *Historia animalium*, 588–589. Richard Cresswell, *Aristotle's History of Animals*, London, 1862, pp. 194–195. G. Bell and Sons, Ltd.

remarked in speaking of their parts. For they differ from man, and man from the other animals, in a greater or less degree; for some of these traits are exhibited strongly in man, and others in other animals.

Others differ in proportion. For as men exhibit art, wisdom, and intelligence, animals possess, by way of compensation, some other physical power. This is most conspicuous in the examination of infants, for in them we see, as it were, the vestiges and seeds of their future disposition; nor does their soul at this period differ in any respect from that of an animal; so that it is not unreasonable for animals to present the same, or similar, or analogous appearances. Nature passes so gradually from inanimate to animate things, that from their continuity their boundary and the mean between them is indistinct. The race of plants succeeds immediately that of inanimate objects; and these differ from each other in the proportion of life in which they participate; for, compared with other bodies, plants appear to possess life, though, when compared with animals, they appear inanimate. . . .

In the vital actions also we may observe the same manner. For vegetables which are produced from seed appear to have no other work beyond reproduction; nor do some animals appear to have any other object in their existence. This object then is common to all; but as sensation advances, their manner of life differs in their . . . modes of parturition and rearing their young. Some of them, like plants, simply accomplish their peculiar mode of reproduction at an appointed season, and others are diligent in rearing their young; but as soon as this is accomplished they separate from them, and have no farther communication; but those that are more intelligent, and possess more memory, use their offspring in a more civilized manner.

The work of reproduction is one part of their life, the work of procuring food forms another. These two occupy their labour and their life. Their food differs in the substances of which it consists, and all the natural increase of the body is derived from food. That which is natural is pleasant, and all animals follow that which is pleasant to their nature.

147. A Cure at Epidaurus [1]

Asclepius (Æsculapius), the god of healing, who seems to have been originally of much humbler origin, had shrines in various parts of Greece, particularly at Athens and at Epidaurus in Argolis. A worshiper, desiring to be cured of a disease, first promised to make a sacrifice and offering should a cure be effected, then underwent a purification with water, and, as the final and most important ceremony, slept in the sacred precinct at night. This temple sleep was technically called incubation. The god was expected to appear in a vision and either to treat the patient or tell him what to do. The ruins of the Hieron of Asclepius at Epidaurus have yielded many inscriptions throwing light on the cures performed there. The one here quoted, which was set up in the second half of the second century A.D., indicates that some medical treatment and therapeutics were combined with incubation.

I, Marcus Julius Apellas of Idrias and Mylasa, was sent for by the god, for I was a chronic invalid and suffered from dyspepsia. In the course of my journey the god told me in Aigina not to be so irritable. When I reached the Temple, he directed me to keep my head covered for two days; and for these two days it rained. I was to eat bread and cheese, parsley with lettuce, to wash myself without help, to practice running, to drink citron-lemonade, to rub my body on the sides of the bath in the bath-room, to take walks in the upper portico, to use the trapeze, to rub myself over with sand, to go with bare feet in the bath-room, to pour wine into the hot water before I got in, to wash myself without help, and to give an Attic drachma to the bath-attendant, to offer in public sacrifices to Asklepios, Epione, and the Eleusinian goddesses, and to take milk with honey. When for one day I had drunk milk alone, the god said to put honey in the milk to make it digestible.

When I called upon the god to cure me more quickly, I thought it was as if I had anointed my whole body with mustard and salt, and had come out of the sacred hall and gone in the direction of the bath-house, while a small child was going before holding a smoking censer. The priest said to me: "Now you are cured, but you must pay up the fees for your treatment."

[1] Mary Hamilton, *Incubation*, St. Andrews, 1906, pp. 40–41.

I acted according to the vision, and when I rubbed myself with salt and mustard, I felt the pain still, but when I had bathed, I suffered no longer. These events took place in the first nine days after I had come to the Temple. The god also touched my right hand and my breast.

The following day as I was offering sacrifice, a flame leapt up and caught my hand, so as to cause blisters. Yet after a little my hand was healed.

As I prolonged my stay in the Temple, the god told me to use dill along with olive-oil for my headaches. Formerly I had not suffered from headaches, but my studies had brought on congestion. After I used the olive-oil, I was cured of headaches. For swollen glands, the god told me to use a cold gargle, when I consulted him about it, and he ordered the same treatment for inflamed tonsils.

He bade me inscribe this treatment, and I left the Temple in good health and full of gratitude to the god.

148. Aphorisms of Hippocrates [1]

Scientific medicine among the Greeks developed in the temples of Asclepius, to which people resorted for the cure of disease. We have definite information of a medical school existing at Cnidus in Asia Minor perhaps as early as the seventh century B.C. A little later another school arose on the neighboring island of Cos. The physicians in the Asclepion there enjoyed a high reputation. Easily the greatest of them was Hippocrates (*c.* 460–*c.* 377 B.C.), who traveled widely in the Greek world, lectured on his profession, and trained many pupils. The Hippocratic writings that have come down to us are extensive, but only a small proportion of them are to be attributed to the Father of Medicine himself. They represent, rather, the productions of a Hippocratic school, inspired by one who devoted a long life to eliminating every form of superstition from the theory and practice of medicine. The so-called *Aphorisms*, of which a selection relating to diets is given below, present in condensed form the inductive principles of the Hippocratic practitioners. These *Aphorisms* were very popular during the Middle Ages, and many translations of them appeared in Latin, Arabic, Syriac, and the vernacular tongues of Europe.

[1] Hippocrates, *Aphorismi*, i, 1, 4, 8, 13, 14, 17, 18. Francis Adams, *The Genuine Works of Hippocrates*, London, 1849, vol ii, pp. 697–703. Sydenham Society.

Life is short, and the Art long; the occasion fleeting; experience fallacious, and judgment difficult. The physician must not only be prepared to do what is right himself, but also to make the patient, the attendants, and externals coöperate.

A slender and restricted diet is always dangerous in chronic diseases, and also in acute diseases, where it is not requisite. And again, a diet brought to the extreme point of attenuation is dangerous; and repletion, when in the extreme, is also dangerous.

When the disease is at its height, it will then be necessary to use the most slender diet.

Old persons endure fasting most easily; next, adults; young persons not nearly so well; and most especially infants, and of them such as are of a particularly lively spirit.

Growing bodies have the most innate heat; they therefore require the most food, for otherwise their bodies are wasted. In old persons the heat is feeble, and therefore they require little fuel, as it were, to the flame, for it would be extinguished by too much. On this account, also, fevers in old persons are not equally acute, because their bodies are cold.[1]

We must consider, also, in which cases food is to be given once or twice a day, and in greater or smaller quantities, and at intervals. Something must be conceded to habit, to season, to country, and to age.

Invalids bear food worst during summer and autumn, most easily in winter, and next in spring.

149. The Hippocratic Oath [2]

The spirit animating the practitioners who followed the example and teaching of Hippocrates is illustrated by their famous Oath. Revered in later times by Arab, Jew, and Christian alike, it is still the accepted summary of medical ethics.

[1] This aphorism contains the physiological explanation of the facts assumed in the preceding one, namely, that the vital flame (here regarded as heat) is strongest in growing bodies, becomes weaker as life advances, and in extreme old age is quite feeble and easily extinguished.

[2] Hippocrates, *Jusjurandum*. W. H. S. Jones, *Hippocrates*, London, 1923, vol. i, pp. 299–301. William Heinemann, Ltd.

I swear by Apollo Physician, by Asclepius, by Health,[1] by Panacea[2] and by all the gods and goddesses, making them my witnesses, that I will carry out, according to my ability and judgment, this oath and this indenture. To hold my teacher in this art equal to my own parents; to make him partner in my livelihood; when he is in need of money to share mine with him; to consider his family as my own brothers, and to teach them this art, if they want to learn it, without fee or indenture; to impart precept, oral instruction, and all other instruction to my own sons, the sons of my teacher, and to indentured pupils who have taken the physician's oath, but to nobody else.[3] I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course. . . . But I will keep pure and holy both my life and my art. I will not use the knife, not even, verily, on sufferers from stone, but I will give place to such as are craftsmen therein. Into whatsoever houses I enter, I will enter to help the sick, and I will abstain from all intentional wrong doing and harm, especially from abusing the bodies of man or woman, bond or free. And whatsoever I shall see or hear in the course of my profession, as well as outside my profession in my intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets. Now if I carry out this oath, and break it not, may I gain for ever reputation among all men for my life and for my art; but if I transgress it and forswear myself, may the opposite befall me.

150. Geometrical Theorems of Archimedes[4]

What little we know of Archimedes comes to us from the accounts which Polybius and Plutarch have preserved of the siege of Syracuse by the Romans during the second Punic war. Archimedes perished in the sack of the city (212 B.C.); he was then an old man. As a youth he had

[1] Hygeia.

[2] All-healing.

[3] The Hippocratic physicians thus formed a sort of guild.

[4] Archimedes, *De sphæra et cylindro, præf.* Sir Thomas L. Heath, *The Works of Archimedes*, Cambridge, 1897, pp. 1–2. University Press.

lived for some time in Alexandria, studying mathematics with the successors of Euclid. It was probably in Egypt that he invented the water-screw known by his name and used to draw water for irrigation. After returning to Syracuse Archimedes devoted himself to mathematical research. Nine treatises on geometry and mechanics are extant under his name. The Preface to his work *On the Sphere and the Cylinder* is a letter addressed to Dositheus, a pupil of Conon, the Greek geometrician and geometer.

On a former occasion I sent you the investigations which I had up to that time completed, including the proofs, showing that any segment bounded by a straight line and a section of a right-angled cone [1] is four-[fifths] of the triangle which has the same base with the segment and equal height. Since then certain theorems not hitherto demonstrated have occurred to me, and I have worked out the proofs of them. They are these: first, that the surface of any sphere is four times its greatest circle; next, that the surface of any segment of a sphere is equal to a circle whose radius is equal to the straight line drawn from the vertex of the segment to the circumference of the circle which is the base of the segment; and, further, that any cylinder having its base equal to the greatest circle of those in the sphere, and height equal to the diameter of the sphere, is itself [2] half as large again as the surface of the sphere, and its surface also is half as large again as the surface of the sphere.

Now these properties were all along naturally inherent in the figures referred to, but remained unknown to those who were before my time engaged in the study of geometry. Having, however, now discovered that the properties are true of these figures, I cannot feel any hesitation in setting them side by side both with my former investigations and with those of the theorems of Eudoxus [3] on solids which are held to be most irrefragably established, namely, that any pyramid is one third part of the prism which has the same base with the pyramid and equal height, and that any cone is one third part of the cylinder which has the same base with the cone and equal height. For,

[1] A parabola.
[2] *I.e.*, in content.
[3] Eudoxus of Cnidos, who flourished about the middle of the fourth century B.C.

though these properties also were naturally inherent in the figures all along, yet they were in fact unknown to all the many able geometers who lived before Eudoxus, and had not been observed by any one. Now, however, it will be open to those who possess the requisite ability to examine these discoveries of mine.

151. Rotundity of the Earth [1]

Strabo of Alexandria wrote, or at least finally revised, his *Geography* during the reign of the emperor Tiberius. The work was composed in Greek, and in seventeen books. It formed the first attempt to sum up the geographical knowledge of antiquity. Strabo's information was drawn largely from other Alexandrian scientists, particularly Eratosthenes. He had traveled widely, however, and he incorporated in his narrative the results of personal observation, as well as the statements of earlier historians, geographers, and astronomers.

Geometry and astronomy, as we before remarked, seem absolutely indispensable in this science.[2] This, in fact, is evident, that without some such assistance, it would be impossible to be accurately acquainted with the configuration of the earth, its climata,[3] dimensions, and the like information.

As the size of the earth has been demonstrated by other writers, we shall here take for granted and receive as accurate what they have advanced. We shall also assume that the earth is spheroidal, that its surface is likewise spheroidal, and above all, that bodies have a tendency towards its centre, which latter point is clear to the perception of the most average understanding. However we may show summarily that the earth is spheroidal, from the consideration that all things however distant tend to its centre, and that every body is attracted towards its centre of gravity; this is more distinctly proved from observations of the sea and sky, for here the evidence of the senses, and common observation, is alone requisite. The convexity of the sea is a further proof of this to those who have sailed; for they cannot

[1] Strabo, *Geographica*, i, 1, 20. H. C. Hamilton and William Falconer, *The Geography of Strabo*, London, 1854–1857, vol. i, pp. 19–20. G. Bell and Sons, Ltd.

[2] *I.e.*, geography.

[3] Zones.

perceive lights at a distance when placed at the same level as their eyes, but if raised on high, they at once become perceptible to vision, though at the same time further removed. So, when the eye is raised, it sees what before was utterly imperceptible. Homer speaks of this when he says,

"Lifted up on the vast wave he quickly beheld afar."[1]

Sailors, as they approach their destination, behold the shore continually raising itself to their view; and objects which had at first seemed low, begin to elevate themselves. Our gnomons, also, are, among other things, evidence of the revolution of the heavenly bodies; and common sense at once shows us, that if the depth of the earth were infinite, such a revolution could not take place.[2]

152. Size of the Earth [3]

Strabo here criticizes Eratosthenes's estimate of the size of the habitable earth (œcumene) and quotes the latter's statement that, were it not for the extent of the Atlantic Ocean, one might sail from Spain to India. This truth, brought to light by Eratosthenes, was destined to be forgotten until the time of Columbus.

Eratosthenes, being mistaken as to the breadth of the habitable earth, is necessarily wrong as to its length. The most accurate observers, both ancient and modern, agree that the known length of the habitable earth is more than twice its breadth. Its length I take to be from the eastern extremity of India to the westernmost point of Spain; and its breadth from the south of Ethiopia to the latitude of Ierne.[4] Eratosthenes, as we have said, reckoning its breadth from the extremity of Ethiopia to Thule,[5] was forced to extend its length beyond the true limits, that he might make it more than twice as long as the breadth he had assigned

[1] *Odyssey*, v, 393.

[2] Strabo evidently regards the earth as the center of the universe.

[3] Strabo, *Geographica*, i, 4, 6. H. C. Hamilton and William Falconer, *The Geography of Strabo*, London, 1853–1857, vol. i, pp. 100–101. G. Bell and Sons, Ltd.

[4] Ireland, which is placed north of Britain.

[5] The ancient name for the most northerly known land in the north Atlantic (Ultima Thule).

to it. . . . Lastly, to fall in with the general opinion that the breadth ought not to exceed half the length, he adds to the stated measure of its length 2000 stadia west, and as many east.

Further, endeavouring to support the opinion that it is in accordance with natural philosophy to reckon the greatest dimension of the habitable earth from east to west, he says that, according to the laws of natural philosophy, the habitable earth ought to occupy a greater length from east to west, than its breadth from north to south. The temperate zone, which we have already designated as the longest zone, is that which the mathematicians denominate a continuous circle returning upon itself. So that if the extent of the Atlantic Ocean were not an obstacle, we might easily pass by sea from Iberia [1] to India, still keeping in the same parallel; the remaining portion of which parallel, measured as above in stadia, occupies more than a third of the whole circle: since the parallel drawn through Athens, on which we have taken the distances from India to Iberia, does not contain in the whole 200,000 stadia.[2]

153. The Rotational Theory [3]

Heraclides Ponticus, a Greek philosopher and pupil of Plato, who flourished in the fourth century B.C., discovered that the planets Mercury and Venus revolve about the sun as a center. An even more remarkable anticipation of Copernicanism was his theory of the daily rotation of the earth about its own axis. The latter is referred to by the learned Neoplatonist, Simplicius, in his commentary on Aristotle's *De cælo* (ii, 7).

He [4] thought it right to take account of the hypothesis that both [5] are at rest — although it would appear impossible to account for their apparent change of position on the assumption that both are at rest — because there have been some, like Hera-

[1] The Iberian Peninsula.

[2] A circumference of about 22,700 miles for the thirty-sixth parallel (that of Athens), or about 28,500 miles for the equator.

[3] Sir Thomas L. Heath, *Aristarchus of Samos, the Ancient Copernicus*, Oxford, 1913, p. 254. Clarendon Press.

[4] Aristotle.

[5] *I.e.*, the stars and the heaven as a whole.

clides of Pontus and Aristarchus, who supposed that the phenomena can be saved if the heaven and the stars are at rest while the earth moves about the poles of the equinoctial circle from the west [to the east], completing one revolution each day, approximately; the "approximately" is added because of the daily motion of the sun to the extent of one degree. For of course, if the earth did not move at all, as he will later show to be the case, although he here assumes that it does for the sake of argument, it would be impossible for the phenomena to be saved on the supposition that the heaven and the stars are at rest.

154. Hypotheses and Propositions of Aristarchus [1]

Aristarchus the astronomer (*c.* 310–*c.* 230 B.C.), though a native of Samos, spent at least a part of his life at Alexandria. The following passage from his only extant work, *De magnitudinibus et distantiis solis et lunæ* ("On the Sizes and Distances of the Sun and Moon"), illustrates the application of mathematical reasoning to astronomy and physics. Aristarchus deserves the credit for initiating this method, which has led in modern times to many scientific discoveries.

1. That the moon receives its light from the sun.[2]

2. That the earth is in the relation of a point and centre to the sphere in which the moon moves.

3. That, when the moon appears to us halved, the great circle which divides the dark and the bright portions of the moon is in the direction of our eye.

4. That, when the moon appears to us halved, its distance from the sun is then less than a quadrant by one-thirtieth of a quadrant.

5. That the breadth of the earth's shadow is that of two moons.

6. That the moon subtends one-fifteenth part of a sign of the zodiac.

We are now in a position to prove the following propositions:

[1] Sir Thomas L. Heath, *Aristarchus of Samos, the Ancient Copernicus*, Oxford, 1913, pp. 353–355. Clarendon Press.

[2] A discovery made by Anaxagoras.

1. The distance of the sun from the earth is greater than eighteen times, but less than twenty times, the distance of the moon from the earth; this follows from the hypothesis about the halved moon.[1]

2. The diameter of the sun has the same ratio (as aforesaid) to the diameter of the moon.

3. The diameter of the sun has to the diameter of the earth a ratio greater than that which 19 has to 3, but less than that which 43 has to 6; this follows from the ratio thus discovered between the distances, the hypothesis about the shadow, and the hypothesis that the moon subtends one-fifteenth part of a sign of the zodiac.

155. The Heliocentric Theory[2]

There is no doubt whatever that Aristarchus first put forth the heliocentric theory. Ancient testimony is unanimous on the point, the earliest and most reliable witness being another eminent scientist, Archimedes, who was a younger contemporary of Aristarchus. The passage below is taken from a work by Archimedes entitled *Arenarius* ("Sand-reckoner"). The daring cosmical speculation of Aristarchus did not commend itself to other Greek astronomers, and its promulgator, as we learn from Plutarch (*De facie in orbe lunæ*, 6), was accused of impiety by the Stoic Cleanthes "for shifting the hearth of the universe." The world had to wait until Copernicus for the rediscovery of the heliocentric theory.

Now you[3] are aware that "universe" is the name given by most astronomers to the sphere whose centre is the centre of the earth and whose radius is equal to the straight line between the centre of the sun and the centre of the earth. This is the common account, as you have heard from astronomers. But Aristarchus of Samos brought out a book consisting of some hypotheses, in which the premisses lead to the result that the

[1] The method here used in deducing the distance of the sun from the earth, though theoretically correct, is not practical, since the moment when the moon is half illuminated cannot be determined with accuracy. This explains the very erroneous result reached by Aristarchus.

[2] Archimedes, *Arenarius*, i, 4–7. Sir Thomas L. Heath, *The Works of Archimedes*, Cambridge, 1897, pp. 221–222. University Press.

[3] The *Arenarius* is addressed to King Gelo of Syracuse.

universe is many times greater than that now so called. His hypotheses are that the fixed stars and the sun remain unmoved, that the earth revolves about the sun in the circumference of a circle, the sun lying in the middle of the orbit, and that the sphere of the fixed stars, situated about the same centre as the sun, is so great that the circle in which he supposes the earth to revolve bears such a proportion to the distance of the fixed stars as the centre of the sphere bears to its surface. Now it is easy to see that this is impossible; for, since the centre of the sphere has no magnitude, we cannot conceive it to bear any ratio whatever to the surface of the sphere. We must however take Aristarchus to mean this: since we conceive the earth to be, as it were, the centre of the universe, the ratio which the earth bears to what we describe as the "universe" is the same as the ratio which the sphere containing the circle in which he supposes the earth to revolve bears to the sphere of the fixed stars. For he adapts the proofs of his results to a hypothesis of this kind, and in particular he appears to suppose the magnitude of the sphere in which he represents the earth as moving to be equal to what we call the "universe."

156. Cosmology of Pliny the Elder [1]

The first ten books of the vast encyclopedia which Pliny the Elder composed under the title of *Natural History* appeared in 77 A.D., two years before he perished in the eruption of Vesuvius. The remaining twenty-seven books seem to have been published by his nephew, Pliny the Younger. The work makes no pretensions to literary attractiveness; it tells us little or nothing that is new; and the author's credulity prevents him from separating the wheat from the chaff in his voluminous granary. Nevertheless, Pliny studied the natural sciences as no other Roman before him had done, with the sole desire of making them as useful as possible to his countrymen. He had scientific curiosity and zeal, even though he lacked the critical faculty. His *Natural History* summarizes ancient learning and probably throws more light on classical civilization than any other work that has come down from Greece and Rome.

[1] Pliny the Elder, *Naturalis historia*, ii, 2–4. John Bostock and H. T. Riley, *The Natural History of Pliny*, London, 1855–1857, vol. i, pp. 16–20. G. Bell and Sons, Ltd.

That it [1] has the form of a perfect globe we learn from the name which has been uniformly given to it, as well as from numerous natural arguments. For not only does a figure of this kind return everywhere into itself and sustain itself, also including itself, requiring no adjustments, not sensible of either end or beginning in any of its parts, and is best fitted for that motion, with which, as will appear hereafter, it is continually turning round; but still more, because we perceive it, by the evidence of the sight, to be, in every part, convex and central, which could not be the case were it of any other figure.

The rising and the setting of the sun clearly prove, that this globe is carried round in the space of twenty-four hours, in an eternal and never-ceasing circuit, and with incredible swiftness. I am not able to say whether the sound caused by the whirling about of so great a mass be excessive, and, therefore, far beyond what our ears can perceive, nor, indeed, whether the resounding of so many stars, all carried along at the same time and revolving in their orbits, may not produce a kind of delightful harmony of incredible sweetness.[2] To us, who are in the interior, the world appears to glide silently along, both by day and by night.

Various circumstances in nature prove to us, that there are impressed on the heavens innumerable figures of animals and of all kinds of objects, and that its surface is not perfectly polished like the eggs of birds, as some celebrated authors assert. For we find that the seeds of all bodies fall down from it, principally into the ocean, and, being mixed together, that a variety of monstrous forms are in this way frequently produced. And, indeed, this is evident to the eye; for, in one part, we have the figure of a wain,[3] in another of a bear, of a bull, and of a letter; [4] while, in the middle of them, over our heads, there is a white circle.[5]

[1] The earth. The spherical form of the earth and its circular motion are postulated by Ptolemy of Alexandria in his astronomical treatise *Magna constructio* (*Syntaxis*), frequently referred to by its Arabic title *Almagest*.

[2] The "music of the spheres," maintained by Pythagoras though derided by Aristotle.

[3] Charles's Wain, or the Big Dipper.

[4] The letter Delta in the constellation Triangulum.

[5] The Milky Way.

With respect to the name, I am influenced by the unanimous opinions of all nations. For what the Greeks, from its being ornamented, have termed *kosmos* we, from its perfect and complete elegance, have termed *mundus*. The name *cælum*, no doubt, refers to its being engraven, as it were, with the stars, as Varro suggests. In confirmation of this idea we may adduce the Zodiac, in which are twelve figures of animals; through them it is that the sun has continued its course for so many ages.

I do not find that any one has doubted that there are four elements. The highest of these is supposed to be fire, and hence proceed the eyes of so many glittering stars. The next is that spirit, which both the Greeks and ourselves call by the same name, air. It is by the force of this vital principle, pervading all things and mingling with all, that the earth, together with the fourth element, water, is balanced in the middle of space. These are mutually bound together, the lighter being restrained by the heavier, so that they cannot fly off; while, on the contrary, from the lighter tending upwards, the heavier are so suspended, that they cannot fall down. Thus, by an equal tendency in an opposite direction, each of them remains in its appropriate place, bound together by the never-ceasing revolution of the world, which always turning on itself, the earth falls to the lowest part and is in the middle of the whole, while it remains suspended in the centre, and, as it were, balancing this centre, in which it is suspended. So that it alone remains immovable, whilst all things revolve round it. . . .

Between this body and the heavens there are suspended, in this aërial spirit, seven stars,[1] separated by determinate spaces, which, on account of their motion, we call wandering, although, in reality, none are less so. The sun is carried along in the midst of these, a body of great size and power, the ruler, not only of the seasons and of the different climates, but also of the stars themselves and of the heavens. When we consider his operations, we must regard him as the life, or rather the mind of the universe, the chief regulator and the God of nature; he also lends his light to the other stars.

[1] The seven planets, among which the ancients included the sun and the moon.

157. Primitive Man [1]

The Æschylean tragedy of *Prometheus Bound* (probably later than 468 B.C.) contains a remarkable picture of man's earliest state and man's progress in culture under the tutelage of Prometheus, the devoted friend of the human race. Prometheus, who represents the spirit of inquiry into the laws of nature, is punished for his presumption by being chained to a rock beside the sea in the wilds of Scythia. The translation of *Prometheus Bound*, here quoted, was published by Elizabeth Barrett in 1833.

Beseech you, think not I am silent thus
Through pride or scorn. I only gnaw my heart
With meditation, seeing myself so wronged.
For see — their honours to these new-made gods,
What other gave but I, and dealt them out
With distribution? Ay! but here I am dumb!
For here, I should repeat your knowledge to you,
If I spake aught. List rather to the deeds
I did for mortals; how, being fools before,
I made them wise and true in aim of soul.
And let me tell you — not as taunting men,
But teaching you the intention of my gifts,
How, first beholding, they beheld in vain,
And, hearing, heard not, but, like shapes in dreams,
Mixed all things wildly down the tedious time,
Nor knew to build a house against the sun
With wickered sides, nor any woodcraft knew,
But lived, like silly ants, beneath the ground
In hollow caves unsunned. There, came to them
No steadfast sign of winter, nor of spring
Flower-perfumed, nor of summer full of fruit,
But blindly and lawlessly they did all things,
Until I taught them how the stars do rise
And set in mystery, and devised for them
Number, the inducer of philosophies,
The synthesis of Letters, and, beside,

[1] Æschylus, *Prometheus vinctus*, 436–506. *The Complete Poetical Works of Mrs. E. B. Browning*, New York, 1901, vol. vi, pp. 107–109. Edited by Charlotte Porter and Helen A. Clarke. T. Y. Crowell and Company.

The artificer of all things, Memory,
That sweet Muse-mother. I was first to yoke
The servile beasts in couples, carrying
An heirdom of man's burdens on their backs.
I joined to chariots, steeds, that love the bit
They champ at — the chief pomp of golden ease.[1]
And none but I originated ships,
The seaman's chariots, wandering on the brine
With linen wings. And I — oh, miserable! —
Who did devise for mortals all these arts,
Have no device left now to save myself
From the woe I suffer. . . . Hearken the rest,
And marvel further, what more arts and means
I did invent, — this, greatest: if a man
Fell sick, there was no cure, nor esculent
Nor chrism nor liquid, but for lack of drugs
Men pined and wasted, till I showed them all
Those mixtures of emollient remedies
Whereby they might be rescued from disease.[2]
I fixed the various rules of mantic art,
Discerned the vision from the common dream,
Instructed them in vocal auguries
Hard to interpret, and defined as plain
The wayside omens, — flights of crook-clawed birds, —
Showed which are, by their nature, fortunate,
And which not so, and what the food of each,
And what the hates, affections, social needs
Of all to one another — taught what sign
Of visceral lightness, coloured to a shade,
May charm the genial gods, and what fair spots
Commend the lung and liver.[3] Burning so
The limbs encased in fat, and the long chine,
I led my mortals on to an art abstruse,

[1] Horses were expensive in ancient Greece and were not used as ordinary work animals.

[2] Medical science was developing rapidly in the time of Æschylus.

[3] A reference to hepatoscopy, or liver-divination, which the Greeks derived from Babylonia.

And cleared their eyes to the image in the fire,
Erst filmed in dark. Enough said now of this.
For the other helps of man hid underground,
The iron and the brass, silver and gold,
Can any dare affirm he found them out
Before me? None, I know! unless he choose
To lie in his vaunt. In one word learn the whole, —
That all arts came to mortals from Prometheus.

158. Man's Marvelous Powers [1]

The *Antigone*, which may probably be referred to 442 or 441 B.C., is the earliest of the extant plays of Sophocles.

Wonders are many, and none is more wonderful than man; the power that crosses the white sea, driven by the stormy south-wind, making a path under surges that threaten to engulf him; and Earth, the eldest of the gods, the immortal, the unwearied, doth he wear, turning the soil with the offspring of horses, as the ploughs go to and fro from year to year.

And the light-hearted race of birds, and the tribes of savage beasts, and the sea-brood of the deep, he snares in the meshes of his woven toils, he leads captive, man excellent in wit. And he masters by his arts the beast whose lair is in the wilds, who roams the hills; he tames the horse of shaggy mane, he puts the yoke upon its neck, he tames the tireless mountain bull.

And speech and wind-swift thought and all the moods that mould a state, hath he taught himself; and how to flee the arrows of the frost, when 'tis hard lodging under the clear sky, and the arrows of the rushing rain; yea, he hath resource for all; without resource he meets nothing that must come; only against Death shall he call for aid in vain; but from baffling maladies he hath devised escapes.

Cunning beyond fancy's dream is the fertile skill which brings him, now to evil, now to good. When he honors the laws of the land, and that justice which he hath sworn by the gods to up-

[1] Sophocles, *Antigone*, 332–375. Sir R. C. Jebb, *Sophocles; the Plays and Fragments*, Cambridge, 1902–1908, vol. iii, pp. 69–77. University Press.

hold, proudly stands his city; no city hath he who, for his rashness, dwells in sin. Never may he share my hearth, never think my thoughts, who doth these things!

159. Social Evolution [1]

Quite the most scientific account of the origin of man and the early development of civilization to appear before the nineteenth century of our era is found in the poem *On the Nature of Things* by the Roman Lucretius (*c.* 98–55 B.C.). He writes as a thorough-going materialist, accepts the atomistic interpretation of nature put forth by Democritus and Epicurus, and tries to show, in accordance with Epicurean principles, that the world is not in itself divine or directed by divine agency. The fifth book of his poem contains a remarkable account of man, the primeval savage, and man's gradual rise in culture. Lucretius undoubtedly derived it, in large part, from Greek sources now lost. Only the closing lines of the fifth book are here quoted.

Now, in what manner the nature of iron was found, it is easy for you to learn of yourself, Memmius.[2] Their arms of old were hands, nails, and teeth, and stones, and likewise branches torn from the forests, and flame and fires, when once they were known. Thereafter the strength of iron and bronze was discovered. And the use of bronze was learnt before that of iron, inasmuch as its nature is more tractable, and it is found in greater stores. With bronze they would work the soil of the earth, and with bronze mingle in billowy warfare, and deal wasting wounds and seize upon flocks and fields. For all things naked and unarmed would readily give in to them equipped with arms. Then, little by little, the iron sword made its way, and the form of the bronze sickle was made a thing of scorn, and with iron they began to plough up the soil of earth; and the contests of war, now hovering in doubt, were made equal. . . .

A garment tied together came before woven raiment. Woven fabric comes after iron, for by iron the loom is fashioned, nor in any other way can such smooth treadles be made, or spindles

[1] Lucretius, *De rerum natura*, v, 1281–1457. Cyril Bailey, *Lucretius on the Nature of Things*, Oxford, 1910, pp. 228–234. Clarendon Press.

[2] Gaius Memmius, a Roman orator and poet, to whom Lucretius addressed the *De rerum natura*, possibly with the idea of converting him to Epicureanism.

or shuttles and ringing rods. And nature constrained men to work wool before the race of women; for all the race of men far excels in skill and is much more cunning; until the sturdy husbandman made scorn of it, so that they were glad to leave it to women's hands, and themselves share in enduring hard toil, and in hard work to harden limbs and hands.

But nature herself, creatress of things, was first a pattern for sowing and the beginning of grafting, since berries and acorns fallen from the trees in due time put forth swarms of shoots beneath; from nature, too, they learnt to insert grafts into branches, and to plant young saplings in the ground over the fields. Then one after another they essayed ways of tilling their smiling plot, and saw the earth tame wild fruits with tender care and fond tilling. . . .

But imitating with the mouth the liquid notes of birds came long before men were able to sing in melody right through smooth songs and please the ear. And the whistling of the zephyr through the hollows of reeds first taught the men of the countryside to breathe into hollowed hemlock-stalks. Then little by little they learned the sweet lament, which the pipe pours forth, stopped by the players' fingers, the pipe invented amid the pathless woods and forests and glades, among the desolate haunts of shepherds, and the divine places of their rest. These tunes would soothe their minds and please them when sated with food; for then all things win the heart. . . .

Now fenced in with strong towers they would live their life, and the land was parcelled out and marked off: then the sea was gay with the flying sails of ships: now treaties were drawn up, and they had auxiliaries and allies, when poets first began to hand down men's deeds in songs; yet not much before that were letters discovered. Therefore our age cannot look back to see what was done before, unless in any way reason points out traces.

Ships and the tilling of the land, walls, laws, weapons, roads, dress, and all things of this kind, all the prizes, and the luxuries of life, one and all, songs and pictures, and the polishing of quaintly wrought statues, practice and therewith the experience

of the eager mind taught them little by little, as they went forward step by step. So, little by little, time brings out each several thing into view, and reason raises it up into the coasts of light. For they saw one thing after another grow clear in their mind, until by their arts they reached the topmost pinnacle.

160. Man's Place in Nature [1]

Pliny the Elder, like so many other Roman thinkers under the early empire, adhered in the main to the Stoic philosophy. In the passage from his *Natural History* here quoted he seems to be reëchoing the tenets of Stoicism.

Our first attention is justly due to Man, for whose sake all other things appear to have been produced by Nature; though, on the other hand, with so great and so severe penalties for the enjoyment of her bounteous gifts, that it is far from easy to determine, whether she has proved to him a kind parent, or a merciless stepmother.

In the first place, she obliges him alone, of all animated beings, to clothe himself with the spoils of the others; while, to all the rest, she has given various kinds of coverings, such as shells, crusts, spines, hides, furs, bristles, hair, down, feathers, scales, and fleeces. The very trunks of the trees even, she has protected against the effects of heat and cold by a bark, which is, in some cases twofold. Man alone, at the very moment of his birth cast naked upon the naked earth, does she abandon to cries, to lamentations, and, a thing that is the case with no other animal whatever, to tears; this, too, from the very moment that he enters upon existence. But as for laughter, why, by Hercules! — to laugh, if but for an instant only, has never been granted to man before the fortieth day from his birth, and then it is looked upon as a miracle of precocity. Introduced thus to the light, man has fetters and swathings instantly put upon all his limbs, a thing that falls to the lot of none of the brutes even that are born among us. Born to such singular good fortune,[2] there lies the

[1] Pliny the Elder, *Naturalis historia*, vii, 1. John Bostock and H. T. Riley, *The Natural History of Pliny*, London, 1855–1857, vol. ii, pp. 117–120. G. Bell and Sons, Ltd.

[2] *Feliciter natus* — an ironical expression.

animal, which is destined to command all the others, lies, fast bound hand and foot, and weeping aloud! such being the penalty which he has to pay on beginning life, and that for the sole fault of having been born. Alas! for the folly of those who can think after such a beginning as this, that they have been born for the display of vanity!

The earliest presage of future strength, the earliest bounty of time, confers upon him nought but the resemblance to a quadruped. How soon does man gain the power of walking? How soon does he gain the faculty of speech? How soon is his mouth fitted for mastication? How long are the pulsations of the crown of his head to proclaim him the weakest of all animated beings? And then, the diseases to which he is subject, the numerous remedies which he is obliged to devise against his maladies, and those thwarted every now and then by new forms and features of disease. While other animals have an instinctive knowledge of their natural powers; some, of their swiftness of pace, some, of their rapidity of flight, and some, again, of their power of swimming; man is the only one that knows nothing, that can learn nothing without being taught; he can neither speak, nor walk, nor eat, and, in short, he can do nothing, at the prompting of nature only, but weep. For this it is, that many have been of opinion, that it were better not to have been born, or if born, to have been annihilated at the earliest moment.

To man alone, of all animated beings, has it been given, to grieve, to him alone to be guilty of luxury and excess; and that in modes innumerable, and in every part of his body. Man is the only being that is a prey to ambition, to avarice, to an immoderate desire of life, to superstition,[1] — he is the only one that troubles himself about his burial, and even what is to become of him after death. By none is life held on a tenure more frail; none are more influenced by unbridled desires for all things; none are sensible of fears more bewildering; none are actuated by rage more frantic and violent. Other animals, in fine, live at peace with those of their own kind; we only see them unite to make a stand against those of a different species.

[1] Pliny includes all systems of religion under this term.

The fierceness of the lion is not expended in fighting with its own kind; the sting of the serpent is not aimed at the serpent; and the monsters of the sea even, and the fishes, vent their rage only on those of a different species. But with man, — by Hercules! most of *his* misfortunes are occasioned by man.

161. The Progress of Science [1]

The seven books of *Physical Investigations* by Seneca (*c.* 3 B.C.–65 A.D.) treat in a popular manner of astronomy, meteorology, and allied subjects. The work seems to have been largely based on Greek sources. During the Middle Ages it formed for western Europe the standard text-book of physical science.

Aristotle has finely said that we should never be more reverent than when we are treating of the gods. We enter a temple with all due gravity, we lower our eyes, draw up our toga, and assume every token of modesty when we approach the sacrifice. How much more is all this due when we discuss the heavenly bodies, the stars, the nature of the gods, lest in ignorance we make any assertion regarding them that is hasty, or disrespectful; or lest we wittingly lie. Let us not be surprised that what is buried so deeply should be unearthed so slowly. . . .

Many things, moreover, akin to highest deity or holding power near it, are still obscure. Or, perhaps, one may be still more surprised to find that they at once fill and elude our sight. Either their subtlety is too great for human vision to grasp, or such exalted majesty conceals itself in the holier sanctuary, and rules its kingdom, which is itself, without permitting access to any power except the spirit. What that is, without which nothing is, we cannot know: and when God, the greatest part of the universe, is an unknown God, we are surprised, are we, that there are some specks of fire we do not fully understand? How many animals we have come to know for the first time in our own days! Many, too, that are unknown to us, the people of a coming day will know. Many discoveries are reserved for the ages still to be, when our memory shall have perished.

[1] Seneca, *Quæstiones naturales*, vii, 30–31. John Clarke, *Physical Science in the Time of Nero*, London, 1910, pp. 304–306. Macmillan and Company, Ltd.

The world is a poor affair if it do not contain matter for investigation for the whole world in every age. Some of the sacred rites are not revealed to worshippers all at once. Eleusis retains some of its mysteries to show to votaries on their second visit.[1] Nature does not reveal all *her* secrets at once. We imagine we are initiated in her mysteries: we are, as yet, but hanging around her outer courts. Those secrets of hers are not opened to all indiscriminately. They are withdrawn and shut up in the inner shrine. Of one of them this age will catch a glimpse, of another, the age that will come after.

[1] The Eleusinian mysteries are here referred to.

SECTION XI

PHILOSOPHY AND ETHICS

162. Human Fate [1]

Homer in several passages speaks of the *Mœræ*, or goddesses of Fate, but he has no consistent account of their relation to Zeus and the other gods. At one time Fate is a power with unlimited sway; at another time (as here) the decrees of Fate are represented as capable of modification by divine fiat.

And beholding them [2] the son of Kronos of the crooked counsels took pity on them, and he spake to Hera, his sister and wife: "Ah woe is me for that it is fated that Sarpedon, the best-beloved of men to me, shall be subdued under Patroklos son of Menoitios. And in two ways my heart within my breast is divided, as I ponder whether I should catch him up alive out of the tearful war, and set him down in the rich land of Lykia, or whether I should now subdue him beneath the hands of the son of Menoitios."

Then the ox-eyed lady Hera made answer to him: "Most dread son of Kronos, what word is this thou hast spoken? A mortal man long doomed to fate dost thou desire to deliver again from death of evil name? Work thy will, but all we other gods will in nowise praise thee. And another thing I will tell thee, and do thou lay it up in thy heart; if thou dost send Sarpedon living to his own house, consider lest thereon some other god likewise desire to send his own dear son away out of the strong battle. For round the great citadel of Priam war many sons of the Immortals, and among the Immortals wilt thou send terrible wrath. But if he be dear to thee, and thy heart mourns for him, truly then suffer him to be subdued in the strong battle beneath the hands of Patroklos son of Menoitios,

[1] *Iliad*, xvi, 431–461. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 327–328. Macmillan and Company, Ltd.

[2] Sarpedon and Patroclus, who are about to fight.

but when his soul and life leave that warrior, send Death and sweet Sleep to bear him, even till they come to the land of wide Lykia, there will his kindred and friends bury him, with a barrow and a pillar, for this is the due of the dead."

So spake she, nor did the father of gods and men disregard her. But he shed bloody raindrops on the earth, honouring his dear son, that Patroklos was about to slay in the deep-soiled land of Troia, far off from his own country.

163. Why Do the Wicked Prosper? [1]

Theognis, who lived at Megara on the Isthmus of Corinth, wrote his gnomic poetry (*Elegies*), during the sixth century B.C. He was to the Greeks for many generations the moralist *par excellence*, an exponent of sound common sense applied to the problems of life. About fourteen hundred lines ascribed to him survive, including interpolations from Solon, Tyrtæus, and other poets.

Blessed, almighty Jove! with deep amaze,
I view the world; — and marvel at thy ways!
All our devices, every subtle plan,
Each secret act, and all the thoughts of man,
Your boundless intellect can comprehend!
On your award our destinies depend.
  How can you reconcile it to your sense
Of right and wrong, thus loosely to dispense
Your bounties on the wicked and the good?
How can your laws be known or understood?
When we behold a man faithful and just,
Humbly devout, true to his word and trust,
Dejected and oppress'd; — whilst the profane,
And wicked, and unjust, in glory reign;
Proudly triumphant, flush'd with power and gain;
What inference can human reason draw?
How can we guess the secret of thy law,
Or choose the path approv'd by power divine?
  We take, alas, perforce, the crooked line,

[1] Theognis, *Elegies*, 373–398. *The Works of John Hookham Frere*, London, 1872, vol. ii, p. 361.

And act unwillingly the baser part,
Though loving truth and justice at our heart;
For very need, reluctantly compell'd
To falsify the principles we held;
With party factions basely to comply;
To flatter, and dissemble, and to lie!
  Yet he, the truly brave, tried by the test
Of sharp misfortune, is approv'd the best;
While the soul-searching power of indigence
Confounds the weak, and banishes pretence.
  Fixt in an honourable purpose still,
The brave preserve the same unconquer'd will,
Indifferent to fortune, good or ill.

164. The Glory of Virtue [1]

Nineteen poems or parts of poems recently discovered in Egypt have been identified as those of Bacchylides (*c.* 507–*c.* 428 B.C.), an author previously known by a few fragments only. Most of the poems are odes of victory (*epinikia*), celebrating winners in the great athletic contests of Greece.

The best glory is that of Virtue, so deem I now and ever: wealth may dwell with men of little worth, and will exalt the spirit; but he who is bountiful to the gods can cheer his heart with a loftier hope. If a mortal is blessed with health, and can live on his own substance, he vies with the most fortunate. Joy attends on every state of life, if only disease and helpless poverty be not there. The rich man yearns for great things, as the poorer for less; mortals find no sweetness in opulence, but are ever pursuing visions that flee before them.

He whose mind is blown about by ambitions light as air, wins honour only for his lifetime. The task of Virtue is toilsome; but, when it has been duly wrought to the end, it leaves the enviable meed of bright renown, outlasting death.

[1] Bacchylides, *Odes of Victory*, i, 49–74. Sir R. C. Jebb, *Bacchylides; the Poems and Fragments*, Cambridge, 1905, pp. 249, 251. University Press.

165. The Pythagorean "Golden Words"[1]

Pythagoras, a mathematician and a musician, an educator and a social reformer, was born in the island of Samos, probably in the first quarter of the sixth century B.C. He emigrated to Magna Græcia, settled in the rich and flourishing city of Croton, and founded there a brotherhood or school. Its members sought to lead the perfect life and guided themselves by a rule of almost monastic strictness, in which silence, self-examination, and absolute obedience held a prominent part. The Pythagoreans at one time exerted considerable influence in southern Italy, but their entanglement with politics led to persecution and finally to the suppression of their society. They scattered throughout the Hellenic world, carrying with them the precepts and ideals of their master, which in this way came to influence Socrates, Plato, and later Greek philosophers. The ethical side of Pythagoreanism is summed up in the *Carmina aurea*, the "Golden Words." While not the production of Pythagoras, they contain nothing at variance with what we otherwise know of his teaching. The poem has been preserved by Stobæus.

The Gods immortal, as by law disposed,
First venerate, and reverence the oath:
Then to the noble heroes, and the powers
Beneath the earth, do homage with just rites.

Thy parents honor and thy nearest kin,
And from the rest choose friends on virtue's scale.
To gentle words and kindly deeds give way,
Nor hate thy friend for any slight offence.
Bear all thou canst; for Can dwells nigh to Must.
These things thus know.

What follow learn to rule:
The belly first, then sleep and lust and wrath.
Do nothing base with others or alone:
But most of all thyself in reverence hold.

Then practise justice both in deed and word,
Nor let thyself wax thoughtless about aught:
But know that death's the common lot of all.

[1] Thomas Davidson, *Aristotle and Ancient Educational Ideals*, New York, 1892, pp. 57–59. Charles Scribner's Sons.

Be not untimely wasteful of thy wealth,
Like vulgar men, nor yet illiberal.
In all things moderation answers best.

Do things that profit thee: think ere thou act.

Let never sleep thy drowsy eyelids greet,
Till thou hast pondered each act of the day:
"Wherein have I transgressed? What have I done?
What duty shunned?" beginning from the first,
Unto the last. Then grieve and fear for what
Was basely done; but in the good rejoice.

These things perform; these meditate; these love.
These in the path of godlike excellence
Will place thee, yea, by Him who gave our souls
The number Four,[1] perennial nature's spring!
But, ere thou act, crave from the gods success.

These precepts having mastered, thou shalt know
The system of the never-dying gods
And dying men, and how from all the rest
Each thing is sunder'd, and how held in one:
And thou shalt know, as it is right thou shouldst,
That nature everywhere is uniform,
And so shalt neither hope for things that lie
Beyond all hope, nor fail of any truth.

But from such food abstain [2] as we have named,
And, while thou seek'st to purge and free thy soul,
Use judgment, and reflect on everything,
Setting o'er all best Thought as charioteer.

Be glad to gather goods, nor less to lose.

Of human ills that spring from spirit-powers
Endure thy part nor peevishly complain.

[1] The Pythagoreans, who enunciated the doctrine that "all things are numbers," attached particular significance to this number.

[2] Food restrictions, especially abstinence from flesh, formed a part of the Pythagorean rule of life.

Cure what thou canst: 'tis well, and then reflect:
"Fate never lays too much upon the Good."

Words many, brave and base, assail men's ears.
Let these not disconcert or trammel thee;
But when untruth is spoken, meekly yield.

What next I say in every act observe:
Let none by word or deed prevail on thee
To do or say what were not best for thee.
Think ere thou act, lest foolish things be done; —
For thoughtless deeds and words the caitiff mark; —
But strongly do what will not bring regret.
Do naught thou dost not know; but duly learn.
So shall thy life with happiness o'erflow.

Be not neglectful of thy body's health;
But measure use in drink, food, exercise —
I mean by "measure" what brings no distress.

Follow a cleanly, simple mode of life,
And guard against such acts as envy breed.
Then, if, when thou the body leav'st, thou mount
To the free ether, deathless shalt thou be,
A god immortal, — mortal never more!

166. Zeus Guardian of the Moral Law [1]

Greek philosophers and poets moved steadily in the direction of ethical monotheism. They set forth a unitary conception of the world, not far removed from that of the prophets of Israel. The transformation of Homer's anthropomorphic Zeus, whose superiority to the other gods rests on physical force, into a moral supreme deity, akin to the Hebrew Jehovah, is well presented by Æschylus. The *Agamemnon*, here quoted, was produced in 458 B.C.

[1] Æschylus, *Agamemnon*, 170–193, and 379–408. E. D. A. Morshead, *Æschylus; the Agamemnon, Libation-bearers, and Furies* (Second Edition), London, 1895, p. 10, and pp. 18–19. Macmillan and Company, Ltd.

I

Zeus — if to The Unknown
That name of many names seem good —
Zeus, upon Thee I call.
Thro' the mind's every road
I passed, but vain are all,
Save that which names thee Zeus, the Highest One,
Were it but mine to cast away the load,
The weary load, that weighs my spirit down.

He that was Lord of old,
In full-blown pride of place and valour bold,
Hath fallen and is gone, even as an old tale told!
And he that next held sway,
By stronger grasp o'erthrown
Hath pass'd away! [1]
And whoso now shall bid the triumph-chant arise
To Zeus, and Zeus alone,
He shall be found the truly wise.
'Tis Zeus alone who shows the perfect way
Of knowledge: He hath ruled,
Men shall learn wisdom, by affliction schooled.

In visions of the night, like dropping rain,
Descend the many memories of pain
Before the spirit's sight: through tears and dole
Comes wisdom o'er the unwilling soul —
A boon, I wot, of all Divinity,
That holds its sacred throne in strength, above the sky!

II

Zeus, the high God! — whate'er be dim in doubt,
This can our thought track out —
The blow that fells the sinner is of God,
And as he wills, the rod

[1] These predecessors of Zeus were Uranus (Heaven) and Cronus.

Of vengeance smiteth sore. One said of old,
"The gods list not to hold
A reckoning with him whose feet oppress
The grace of holiness" —
An impious word! for whensoe'er the sire
Breathed forth rebellious fire —
What time his house overflowed the measure
Of bliss and health and treasure —
His children's children read the reckoning plain,
At last, in tears and pain.
On me let weal that brings no woe be sent,
And therewithal, content!
Who spurns the shrine of Right, nor wealth nor power
Shall be to him a tower,
To guard him from the gulf: there lies his lot,
Where all things are forgot.
Lust drives him on — lust, desperate and wild,
Fate's sin-contriving child —
And cure is none; beyond concealment clear,
Kindles sin's baleful glare.
As an ill coin beneath the wearing touch
Betrays by stain and smutch
Its metal false — such is the sinful wight.
Before, on pinions light,
Fair Pleasure flits, and lures him childlike on,
While home and kin make moan
Beneath the grinding burden of his crime;
Till, in the end of time,
Cast down of heaven, he pours forth fruitless prayer
To powers that will not hear.

167. Socrates and His Teaching [1]

The *Recollections of Socrates*, by the Athenian historian and essayist Xenophon (*c.* 431–*c.* 355 B.C.), formed the tribute of an admiring and affectionate disciple. It was written to defend Socrates against the

[1] Xenophon, *Memorabilia*, i, 1. J. S. Watson, *Memorabilia of Socrates*, London, 1904, pp. 1–8. Edited by R. J. Hughes. J. M. Dent and Sons, Ltd.

charges on which he had been condemned and executed. Xenophon took little interest in the Socratic metaphysics. A Greek Boswell, he reveals in an intimate way the personality of Socrates and emphasizes the moral and practical side of the Master's teaching.

I have often wondered by what arguments the accusers of Socrates persuaded the Athenians that he deserved death from the state; for the indictment against him was to this effect: "Socrates offends against the laws in not paying respect to those gods whom the city respects, and introducing other new deities; he also offends against the laws in corrupting the youth."

In the first place, "that he did not respect the gods whom the city respects," what proof did they bring? For he was seen frequently sacrificing at home, and frequently on the public altars of the city; nor was it unknown that he used divination; as it was a common subject of talk, that "Socrates used to say that the divinity instructed him"; and it was from this circumstance, indeed, that they seem chiefly to have derived the charge of introducing new deities. He however introduced nothing newer than those who, practising divination, consult auguries, voices, omens, and sacrifices; for they do not imagine that birds, or people who meet them, know what is advantageous for those seeking presages, but that the gods, by their means, signify what will be so; and such was the opinion that Socrates entertained.

Most people say that they are diverted from an object, or prompted to it, by birds, or by the people who meet them; but Socrates spoke as he thought, for he said it was the divinity that was his monitor. He also told many of his friends to do certain things, and not to do others, intimating that the divinity had forewarned him; and advantage attended those who obeyed his suggestions, but repentance, those who disregarded them.

Yet who would not acknowledge that Socrates wished to appear to his friends neither a fool nor a boaster? But he would have seemed to be both, if, after saying that intimations were given him by a god, he had then been proved guilty of falsehood. It is manifest, therefore, that he would have uttered no predic-

tions, if he had not trusted that they would prove true. But who, in such matters, would trust to any one but a god? And how could he, who trusted the gods, think that there were no gods? . . .

He was constantly in public, for he went in the morning to the places for walking and the gymnasia; at the time when the market was full he was to be seen there; and the rest of the day he was where he was likely to meet the greatest number of people; he was generally engaged in discourse, and all who pleased were at liberty to hear him; yet no one ever either saw Socrates doing, or heard him saying, anything impious or profane; for he did not dispute about the nature of things as most other philosophers disputed, speculating how that which is called by sophists "the world" was produced, and by what necessary laws everything in the heavens is effected, but endeavoured to show that those who chose such objects of contemplation were foolish; and used in the first place to inquire of them whether they thought that they already knew sufficient of human affairs, and therefore proceeded to such subjects of meditation, or whether, when they neglected human affairs entirely, and speculated on celestial matters, they thought that they were doing what became them. He wondered, too, that it was not apparent to them that it is impossible for man to satisfy himself on such points, since even those who pride themselves most on discussing them, do not hold the same opinions one with another. . . .

He would ask, also, concerning such philosophers, whether, as those who have learned arts practised by men, expect that they will be able to carry into effect what they have learned, either for themselves, or for any one else whom they may wish, so those who inquire into celestial things, imagine that, when they have discovered by what laws everything is effected, they will be able to produce, whenever they please, wind, rain, changes of the seasons, and whatever else of that sort they may desire, or whether they have no such expectation, but are content merely to know how everything of that nature is generated. Such were the observations which he made about those who

busied themselves in such speculations; but for himself, he would hold discourse, from time to time, on what concerned mankind, considering what was pious, what impious; what was becoming, what unbecoming; what was just, what unjust; what was sanity, what insanity; what was fortitude, what cowardice; what a state was, and what the character of a statesman; what was the nature of government over men, and the qualities of one skilled in governing them; and touching on other subjects, with which he thought that those who were acquainted were men of worth and estimation, but that those who were ignorant of them might justly be deemed no better than slaves. . . .

I wonder, therefore, how the Athenians were ever persuaded that Socrates had not right sentiments concerning the gods; a man who never said or did anything impious towards the gods, but spoke and acted in such a manner with respect to them, that any other who had spoken and acted in the same manner, would have been, and have been considered, eminently pious.

168. Moral Maxims of Isocrates [1]

The long life of the Attic orator Isocrates (436–338 B.C.) covered almost exactly the period from the outbreak of the Peloponnesian war to Philip of Macedonia's triumph over disunited Greece at Chæronea. Twenty-one speeches or discourses bear the name of the "old man eloquent," as Milton called him, and all are probably genuine. Included in them is a hortatory letter addressed to the young Demonicus. If its precepts are not very elevated, neither are they in any way ignoble. They represent, doubtless, what was the average practical morality of the Greeks of the early fourth century (about 375 B.C.).

First, then, show reverence in religious matters, not only by sacrificing, but also by abiding by your oath; for the former is merely a sign of abundance of wealth, but the latter is a proof of nobility of conduct. Venerate the Deity always, but especially in the common worship of the state; for thus it will be seen that you not only sacrifice to the gods but also that you abide by the laws.

[1] Isocrates, *Ad Demonicum*, 13–43. J. H. Freese, *The Orations of Isocrates*, London, 1894, vol. i, pp. 5–13. G. Bell and Sons, Ltd.

Learn to be towards your parents such as you would pray for your own children to be towards yourself. . . .

What it is disgraceful to do, deem it dishonourable even to speak of. Accustom yourself to be not churlish but thoughtful; for the former will show you to be self-willed, the latter will show you to be discreet. Consider that propriety, a sense of shame, justice, and self-control especially become you, for by all these a young man's character seems to be adorned.

Never hope that you will escape detection when you have done a base action; for even if you are undetected by others you will be conscious of it in your own mind. Fear the gods, honour your parents, reverence your friends, obey the laws. . . .

If you love learning, you will attain to much learning. What you know, preserve by exercise, and what you have not learnt, add to your knowledge; for it is just as disgraceful to hear useful discourse without gaining instruction from it as it is to refuse some good gift when offered to you by your friends. Spend the leisure time of your life in cultivating a ready ear for conversation; for thus you will be able to learn easily what others have acquired with difficulty. Consider that there are many precepts which are better than much wealth; for wealth speedily fails, but precepts abide with a man for ever; wisdom is the only possession which is immortal. . . .

In manner show yourself courteous, and in speech affable; courtesy consists in greeting those who meet you, affability in associating with them familiarly in conversation. Be agreeable to all, but associate with the best men; thus you will avoid being disliked by the former, and will be friendly with the latter. Do not visit the same people frequently nor talk long about the same subjects: for there is surfeit in everything. . . .

Make no man a friend before inquiring how he has treated his former friends; expect him to behave to you as he has behaved to them. Make friends cautiously, but when you have made them endeavour to abide by them; for it is an equal disgrace to have no friend and to be continually changing your companions. Do not try your friends at the risk of harm to yourself, and at the same time be not content to make no trial of your

companions. This you can manage, if you pretend to be in want when you are not. Make confidences about things which are not secrets as if they were secrets; for, if you fail, you will suffer no harm, and, if you succeed, you will have a better knowledge of the character of your confidants. Test your friends by means of your misfortunes in life and their fellowship with you in your dangers; for as we assay gold in the fire, so we distinguish friends in misfortunes. The way to behave best towards your friends is, not to wait for requests from them, but of your own free will to help them in times of need. Deem it as great a disgrace to be worsted by your friends in acts of kindness as to be beaten by your enemies in inflicting injuries. . . .

Of this world's goods love not excessive acquisition but moderate enjoyment. Despise those who strive for riches, and yet cannot use the possessions which they have; such men are in the position of a man who should get a fine horse when only a poor rider. Try to make wealth a real service to you as well as a mere possession; it is a thing of use to those who know how to enjoy it, but a mere acquisition to those who are only able to acquire it. Value your existing property for two reasons, first, that you may be able to pay off a heavy fine; and, secondly, because you can help a good friend in trouble; but in regard to the rest of life esteem it not excessively but moderately. . . .

Take thought for everything which concerns your life, but especially cultivate your own reasoning power; for a sound mind in a man's body is the greatest thing in the smallest compass. Try to be in your body a lover of toil, and in your soul a lover of wisdom, that with the one you may be able to execute your resolves, and with the other may know how to foresee what is expedient. . . .

Deem nothing sure in human affairs; for so you will neither be over-joyful in good fortune, nor over-distressed in evil fortune. Rejoice at the good things which befall you, and grieve in moderation over the ills which come upon you, and in neither case display your feelings to the world; for it is strange to hide property indoors, and yet to walk abroad with your heart upon your sleeve.

Beware of blame more than of danger; for bad men should fear the end of life, but good men ill report during life. Try, if possible, to live in safety; but if it should ever fall to your lot to incur danger, seek safe return from war with fair fame, and not with disgrace; for to meet their end is a sentence that destiny has decreed against all men, but death with honour has been assigned by nature to the good as their peculiar possession.

169. Letter of Epicurus on Happiness [1]

Epicurus (341–270 B.C.) believed that pleasure is the sole good, pain the sole evil. He meant by pleasure not so much the passing enjoyments of the hour as the permanent happiness of a lifetime. In order to be happy men should not trouble themselves with useless luxuries, but lead the simple life. They must be virtuous, for virtue will bring more real satisfaction than vice. Above all, men should free themselves from idle fears and hopes about the gods and a future life. The immortality of the soul, he asserted, is only a delusion, for both soul and body are material things which death dissolves into the atoms making up the universe. An epitome of Epicureanism, in three letters ascribed to Epicurus himself, has been preserved by Diogenes Laërtius. The following selection is from the letter to Menœceus.

Let no one be slow to seek wisdom when he is young nor weary in the search thereof when he is grown old. For no age is too early or too late for the health of the soul. And to say that the season for studying philosophy has not yet come, or that it is past and gone, is like saying that the season for happiness is not yet or that it is now no more. Therefore, both old and young ought to seek wisdom, the former in order that, as age comes over him, he may be young in good things because of the grace of what has been, and the latter in order that, while he is young, he may at the same time be old, because he has no fear of the things which are to come. So we must exercise ourselves in the things which bring happiness, since, if that be present, we have everything, and, if that be absent, all our actions are directed toward attaining it.

[1] Diogenes Laërtius, *Vitæ philosophorum*, x, 122–135. R. D. Hicks, *Diogenes Laërtius; Lives of Eminent Philosophers*, London, 1925, vol. ii, pp. 649–659. William Heinemann, Ltd.

Those things which without ceasing I have declared unto thee, those do, and exercise thyself therein, holding them to be the elements of right life. First believe that God is a living being immortal and blessed, according to the notion of a god indicated by the common sense of mankind; and so believing, thou shalt not affirm of him aught that is foreign to his immortality or that agrees not with blessedness, but shalt believe about him whatever may uphold both his blessedness and his immortality. For verily there are gods, and the knowledge of them is manifest; but they are not such as the multitude believe, seeing that men do not steadfastly maintain the notions they form respecting them. Not the man who denies the gods worshipped by the multitude, but he who affirms of the gods what the multitude believes about them is truly impious. For the utterances of the multitude about the gods are not true preconceptions but false assumptions; hence it is that the greatest evils happen to the wicked and the greatest blessings happen to the good from the hand of the gods, seeing that they are always favourable to their own good qualities and take pleasure in men like unto themselves, but reject as alien whatever is not of their kind.

Accustom thyself to believe that death is nothing to us, for good and evil imply sentience, and death is the privation of all sentience; therefore a right understanding that death is nothing to us makes the mortality of life enjoyable, not by adding to life an illimitable time, but by taking away the yearning after immortality. For life has no terrors for him who has thoroughly apprehended that there are no terrors for him in ceasing to live. Foolish, therefore, is the man who says that he fears death, not because it will pain when it comes, but because it pains in the prospect. Whatsoever causes no annoyance when it is present, causes only a groundless pain in the expectation. Death, therefore, the most awful of evils, is nothing to us, seeing that, when we are, death is not come, and, when death is come, we are not. It is nothing, then, either to the living or to the dead, for with the living it is not and the dead exist no longer. But in the world, at one time men shun death as the greatest of all evils, and at another time choose it as a respite from the evils of life.

The wise man does not deprecate life nor does he fear the cessation of life. The thought of life is no offence to him nor is the cessation of life regarded as an evil. And even as men choose of food not merely and simply the larger portion, but the more pleasant, so the wise seek to enjoy the time which is most pleasant, and not merely that which is longest. . . .

Pleasure is our first and kindred good. It is the starting-point of every choice and of every aversion, and to it we come back, inasmuch as we make feeling the rule by which to judge of every good thing. . . . When we say, then, that pleasure is the end and aim, we do not mean the pleasures of the prodigal or the pleasures of sensuality, as we are understood to do by some through ignorance, prejudice, or wilful misrepresentation. By pleasure we mean the absence of pain in the body and of trouble in the soul. It is not an unbroken succession of drinking-bouts and of revelry, not sexual love, not the enjoyment of the fish and other delicacies of a luxurious table, which produce a pleasant life; it is sober reasoning, searching out the grounds of every choice and avoidance, and banishing those beliefs through which the greatest tumults take possession of the soul. Of all this the beginning and the greatest good is prudence. Wherefore prudence is a more precious thing even than philosophy; from it spring all the other virtues, for it teaches that we cannot lead a life of pleasure which is not also a life of prudence, honour, and justice; nor lead a life of prudence, honour, and justice, which is not also a life of pleasure. For the virtues have grown into one with a pleasant life, and a pleasant life is inseparable from them. . . .

Exercise thyself in these and kindred precepts day and night, both by thyself and with him who is like unto thee; then never, either in waking or in dream, wilt thou be disturbed, but wilt live as a god among men. For man loses all semblance of mortality by living in the midst of immortal blessings.

170. Cleanthes in Praise of Zeus [1]

Stoicism, the noblest of all pagan philosophies, was founded by Zeno (*c.* 336–*c.* 264 B.C.), who lectured in the Painted Stoa in the Agora at Athens. His successor in the headship of the school, Cleanthes of Assos in Asia Minor (*c.* 331–232 B.C.), composed many works, of which only fragments are extant. Fortunately, we possess in the collections of Stobæus the complete text of his famous hymn addressed to Zeus (*Hymnus in Jovem*). It expresses a purely monotheistic spirit and boldly identifies the Universal Reason which rules the physical world with the Reason which gives to man the moral law. It has been well called the *Te Deum* of Stoicism.

Chiefest glory of deathless Gods, Almighty for ever,
Sovereign of Nature that rulest by law, what Name shall we
give Thee? —
Blessed be Thou! for on Thee should call all things that are
mortal.
For that we are Thine offspring; nay, all that in myriad motion
Lives for its day on the earth bears one impress — Thy likeness
— upon it.
Wherefore my song is of Thee, and I hymn Thy power for ever.

Lo, the vast orb of the Worlds, round the Earth evermore as it
rolleth,
Feels Thee its Ruler and Guide, and owns Thy lordship rejoic-
ing.
Aye, for Thy conquering hands have a servant of living fire —
Sharp is the bolt! — where it falls, Nature shrinks at the shock
and doth shudder.
Thus Thou directest the Word universal that pulses through all
things,
Mingling its life with Lights that are great and Lights that are
lesser,
E'en as beseemeth its birth, High King through ages unending.

Nought is done that is done without Thee in the earth or the
waters

[1] Stobæus, *Eclogæ physicæ et ethicæ*, i, 2, 12. Hastings Crossley, *The Golden Sayings of Epictetus*, London, 1903, pp. 183–186. Macmillan and Company, Ltd.

Or in the heights of heaven, save the deed of the fool and the sinner.
Thou canst make rough things smooth; at Thy Voice, lo, jarring disorder
Moveth to music, and Love is born where hatred abounded.
Thus hast Thou fitted alike things good and things evil together,
That over all might reign one Reason, supreme and eternal;
Though thereunto the hearts of the wicked be hardened and heedless —
Woe unto them! for while ever their hands are grasping at good things,

Blind are their eyes, yea, stopped are their ears to God's Law universal,
Calling through wise obedience to live the life that is noble.
This they mark not, but heedless of right, turn each to his own way,
Here, a heart fired with ambition, in strife and straining unhallowed;
There, thrusting honour aside, fast set upon getting and gaining;
Others again given over to lusts and dissolute softness,
Working never God's Law, but that which warreth upon it.

Nay, but, O Giver of all things good, whose home is the dark cloud,
Thou that wieldest Heaven's bolt, save men from their ignorance grievous;
Scatter its night from their souls, and grant them to come to that Wisdom
Wherewithal, sistered with Justice, Thou rulest and governest all things;
That we, honoured by Thee, may requite Thee with worship and honour,
Evermore praising thy works, as is meet for men that shall perish;
Seeing that none, be he mortal or God, hath privilege nobler
Than without stint, without stay, to extol Thy Law universal.

171. Aratus in Praise of Zeus [1]

A younger contemporary of Cleanthes, Aratus of Soli in Cilicia, introduced his astronomical or astrological poem with an exordium addressed to Zeus. A pantheistic tinge pervades this description of the god, whose universal divinity and gracious, fatherly character are emphasized by Aratus much as by Cleanthes.

With Zeus let our song begin! Him never may we men leave
Unpraised! Full of Zeus are all the streets,
All the gathering-places of men; full is the sea,
Full the harbours. In all respects we have need of Zeus, all of us,
For we are also His offspring,[2] and He, being gracious to men,
Signifieth what is favourable, and waketh up the peoples to work,
Reminding them of livelihood. He telleth it, when the clod is best
For oxen and for mattocks; He telleth it, when the seasons are favourable
Both for the planting of trees and for the strewing of seed of every kind.
For He Himself established the signs of these things in the heavens,
When He ordered the stars; and He took thought to provide for the year
Stars, which most chiefly should signify things made,
As touching the seasons, unto men, in order that all things might grow soundly.
Wherefore Him always first and Him last they propitiate.
Greeting unto Thee, O Father, Thou most wonderful, Thou great Help of men,
Greeting unto Thee and unto the Elder Race! Greeting unto you also, Muses,
Sweet exceedingly to all, now unto me, that I may tell of the stars,
So far as it is lawful for you to answer my prayer, give guidance throughout all my song.

[1] Aratus, *Phænomena*, 1–18. Edwyn Bevan, *Later Greek Religion*, London, 1927, pp. 35–36. J. M. Dent and Sons, Ltd.

[2] Quoted by St. Paul (*Acts*, xvii, 28).

172. The Life of a Philosopher [1]

Lucius Annæus Seneca, the second son of the distinguished rhetorician of the same name, was born at Corduba (Cordova), Spain, about 3 B.C. He went to Rome at an early age, devoted himself to literary and philosophical studies, and soon won a reputation at the bar. As a senator he incurred the jealousy of the emperor Claudius, who banished him to Corsica for eight years. He was afterward recalled to act as tutor to the youthful Nero, and upon the latter's accession to power he became prominent in affairs of state. It was at this time that he acquired his enormous wealth. Nero's favor proved to be fickle, however, and in 65 A.D. Seneca received the imperial mandate to commit suicide. Seneca's prose works — his poetry is quite negligible — deal mainly with moral and religious themes. A Stoic philosopher, his views on the providence of God and on the brotherhood of man are so elevated that some of the Fathers reckoned him among the Christians. The selection below comes from the essay *On the Shortness of Life*, composed in 49 A.D., the year of his return from exile.

The only persons who are really at leisure are those who devote themselves to philosophy: and they alone really live: for they do not merely enjoy their own lifetime, but they annex every century to their own: all the years which have passed before them belong to them. Unless we are the most ungrateful creatures in the world, we shall regard these noblest of men, the founders of divine schools of thought, as having been born for us, and having prepared life for us: we are led by the labour of others to behold most beautiful things which have been brought out of darkness into light: we are not shut out from any period, we can make our way into every subject, and, if only we can summon up sufficient strength of mind to overstep the narrow limit of human weakness, we have a vast extent of time wherein to disport ourselves: we may argue with Socrates, doubt with Carneades, repose with Epicurus, overcome human nature with the Stoics, outherod it with the Cynics. Since Nature allows us to commune with every age, why do we not abstract ourselves from our own petty fleeting span of time, and give ourselves up with our whole mind to what is vast, what is

[1] Seneca, *De brevitate vitæ*, 14–15. Aubrey Stewart, *Seneca's Minor Dialogues*, London, 1889, pp. 309–312. G. Bell and Sons, Ltd.

eternal, what we share with better men than ourselves? . . . We may truly say that those men are pursuing the true path of duty, who wish every day to consort on the most familiar terms with Zeno, Pythagoras, Democritus, and the rest of those high priests of virtue; with Aristotle and with Theophrastus. None of these men will be "engaged," none of these will fail to send you away after visiting him in a happier frame of mind and on better terms with yourself, none of them will let you leave him empty-handed: yet their society may be enjoyed by all men, and by night as well as by day.

None of these men will force you to die, but all of them will teach you how to die: none of these will waste your time, but will add his own to it. The talk of these men is not dangerous, their friendship will not lead you to the scaffold, their society will not ruin you in expenses: you may take from them whatsoever you will; they will not prevent your taking the deepest draughts of their wisdom that you please. What blessedness, what a fair old age awaits the man who takes these for his patrons! he will have friends with whom he may discuss all matters, great and small, whose advice he may ask daily about himself, from whom he will hear truth without insult, praise without flattery, and according to whose likeness he may model his own character. . . . These will open to you the path which leads to eternity, and will raise you to a height from whence none shall cast you down. By this means alone can you prolong your mortal life, nay, even turn it into an immortal one. High office, monuments, all that ambition records in decrees or piles up in stone, soon passes away: lapse of time casts down and ruins everything; but those things on which Philosophy has set its seal are beyond the reach of injury; no age will discard them or lessen their force, each succeeding century will add somewhat to the respect in which they are held: for we look upon what is near us with jealous eyes, but we admire what is further off with less prejudice. The wise man's life, therefore, includes much: he is not hedged in by the same limits which confine others: he alone is exempt from the laws by which mankind is governed: all ages serve him like a god. If any time be

past, he recalls it by his memory; if it be present, he uses it; if it be future, he anticipates it: his life is a long one because he concentrates all times into it.

173. Epictetus the Stoic [1]

Epictetus of Hierapolis in Asia Minor, first a slave and later a freedman, taught Stoicism at Rome toward the end of the first century A.D. When the emperor Domitian expelled the philosophers from Italy, Epictetus retired to Nicopolis in Epirus and there attracted many students from both Italy and the Greek East. He wrote nothing himself, but his disciple, the historian Arrian, has left us a faithful account of his teaching in the lecture notes known as *Discourses* and in the condensed selection of Epictetus's sayings called the *Enchiridion* ("Handbook").

If these statements of the philosophers are true, that God and men are akin, there is but one course open to men, to do as Socrates did: never to reply to one who asks his country "I am an Athenian," or "I am a Corinthian," but "I am a citizen of the universe." . . . When a man therefore has learnt to understand the government of the universe, and has realised that there is nothing so great or sovereign or all-inclusive as this frame of things wherein men and God are united, and that from it come the seeds from which are sprung, not only my own father or grandfather, but all things that are begotten and that grow upon earth, and rational creatures in particular . . . why should he not call himself a citizen of the universe and a son of God? Why should he fear anything that can happen to him among men? When kinship with Cæsar or any other of those who are powerful in Rome is sufficient to make men live in security, above all scorn and free from every fear, shall not the fact that we have God as maker and father and kinsman relieve us from pains and fears?

If we had sense, we ought to do nothing else, in public and in private, than praise and bless God and pay Him due thanks. Ought we not, as we dig and plough and eat, to sing the hymn

[1] Epictetus, *Discourses*, i, 9, 16; ii. 8, 23; iii, 5. P. E. Matheson, *Epictetus; the Discourses and Manual*, Oxford, 1916, vol. i, pp. 70–71, 93–94, 165–167, 232–233; vol. ii, p. 20. Clarendon Press.

to God? "Great is God that He gave us these instruments wherewith we shall till the earth. Great is God that He has given us hands, and power to swallow, and a belly, and power to grow without knowing it, and to draw our breath in sleep." At every moment we ought to sing these praises and above all the greatest and divinest praise, that God gave us the faculty to comprehend these gifts and to use the way of reason.

More than that: since most of you are walking in blindness, should there not be some one to discharge this duty and sing praises to God for all? What else can a lame old man as I am do but chant the praise of God? If, indeed, I were a nightingale, I should sing as a nightingale; if a swan, as a swan: but as I am a rational creature I must praise God. This is my task, and I do it: and I will not abandon this duty so long as it is given me; and I invite you all to join in this same song.

Will you not then seek the true nature of the good in that, the want of which makes you refuse to predicate good of other things?

"What do you mean? Are not they too God's works?"

They are; but not His principal works, nor parts of the Divine. You are a principal work, a fragment of God Himself; you have in yourself a part of Him. Why then are you ignorant of your high birth? Why do you not know whence you have come? Will you not remember, when you eat, who you are that eat, and whom you are feeding, and the same in your relations with women? When you take part in society, or training, or conversation, do you not know that it is God you are nourishing and training? You bear God about with you, poor wretch, and know it not! Do you think I speak of some external god of silver or gold? No, you bear Him about within you and are unaware that you are defiling Him with unclean thoughts and foul actions. If an image of God were present, you would not dare to do any of the things you do; yet when God Himself is present within you, and sees and hears all things, you are not ashamed of thinking and acting thus: O slow to understand your nature, and estranged from God! . . .

If God had committed some orphan to your care, would you have neglected him so? Yet He has entrusted your own self to you, and He says, "I had none other more trustworthy than you: keep this man for me such as he is born to be, modest, faithful, high-minded, undismayed, free from passion and tumult." After that, do you refuse to keep him so?

Man, be not ungrateful, nor again forget higher things! Give thanks to God for sight and hearing, yes, and for life itself and what is conducive to life — for grain and fruit, for wine and oil; but remember that He has given you another gift superior to all these, the faculty which shall use them, test them, and calculate the value of each.

For my own part I would wish death to overtake me occupied with nothing but the care of my will, trying to make it calm, unhindered, unconstrained, free. I would fain be found so employed, that I may be able to say to God, "Did I transgress Thy commands? Did I use the faculties Thou gavest me to wrong purpose? Did I use my senses or my primary notions in vain? Did I ever accuse Thee? Did I ever find fault with Thy ordinance? I fell sick, when it was Thy will: so did others, but I rebelled not. I became poor when Thou didst will it, but I rejoiced in my poverty. I held no office, because it was Thy will: I never coveted office. Didst Thou ever see me gloomy for that reason? Did I ever come before Thee but with a cheerful face, ready for any commands or orders that Thou mightest give? Now it is Thy will for me to leave the festival. I go, giving all thanks to Thee, that Thou didst deign to let me share Thy festival and see Thy works and understand Thy government." May these be my thoughts, these my studies, writing or reading, when death comes upon me!

174. A Stoic Emperor [1]

The little volume of meditations which Marcus Aurelius Antoninus (reigned 161–180 A.D.) composed in Greek, under the simple title *To*

[1] G. H. Rendall, *Marcus Aurelius Antoninus; To Himself*, London, 1901, pp. 1–9. Macmillan and Company, Ltd.

Himself, is one of the noblest productions of pagan thought. The first book of this work is quoted below.

From my grandfather Verus, integrity and good temper.

From the reputation and the memory of my father, self-respect and manliness.

From my mother, to be god-fearing and generous; to put away malice in thought, as well as malice in deed; to be simple in all my ways, and to keep clear and of the fashions of wealth.

Thanks to my great-grandfather, I did not attend public lectures, but kept to good masters at home, and learned that money so given is money well spent.

From my tutor, not to back the Greens or the Blues,[1] the Big Shields or Little Shields;[2] to work hard, to want little, and to wait upon myself; to mind my own business, and to scout slander.

From Diognetus, to be in earnest; to distrust sorcerers and wizards, and stories of spells or exorcisms; contempt for quail-fighting or gambling; belief in free speaking; the taste for philosophy, for the discourses of Bacchius, and later of Tandasis and Marcianus; for writing essays; for trying the plank bed and the skin, and the other insignia of discipleship.

From Rusticus, the idea of amendment of life, and attention to character: to have done with flights of style, themes on First principles, discourses upon morals, fancy sketches of the Sage, or portraits of the virtuous liver; to drop rhetoric and poetry and fine talk; not to parade the house in full garb, or other such affectations; to keep my letters simple, like his own from Sinuessa to my mother; to be cordial and conciliatory to any one who had been cross or out of temper, as soon as they made an advance; to read with precision, and not rest satisfied with vague general views; and not to say yes to every glib talker. He introduced me to the memoirs of Epictetus, with a copy from his own stores.

From Apollonius, to be my own master, and stake nothing on

[1] The colors of the companies of contractors who provided horses, drivers, and other requisites for the Circensian games.

[2] Referring to different classes of gladiators.

chance; never, for one instant, to lose sight of reason; in paroxysms of pain, at a child's death, or in bouts of illness, to keep always the same. His example was a living proof, how the most high-strung can unbend: he was a model of patience in explanation; and visibly one who made the least of his own insight and skill in philosophic exposition; he taught me how to receive favours from friends, without loss of dignity or lack of grace.

From Sextus, kindliness; and the model of a well-ordered household; the idea of life in conformity with nature; dignity without affectation; sympathetic concern for friends; tolerance for the simple and unlettered; the universal cordiality, which made his society more agreeable than any flattery, while never for a moment failing to command respect; his steady intuition for discerning and combining the principles essential to right living, restraining every expression of anger or emotion, and keeping each affection within emotional control. In his commendation there was no loudness, and about his learning no parade.

From Alexander the grammarian, to be uncensorious; not to be carping and severe upon lapses of grammar or idiom or phrase, but dexterously to supply the proper expression, by way of rejoinder or corroboration, or discussion of the matter rather than the language, or some other form of graceful reminder.

From Fronto, to understand that jealousy and doubleness and insincerity are characteristic of the tyrant, and that Patricians, as we call them, only too often fail in natural affection.

From Alexander the Platonist, seldom and only when driven to it, to say or write, "I have no time"; and not to indulge the tendency to cry off from duties arising out of our natural relations with those about us, on the pretext of press of business.

From Catulus, never to slight a friend's grievance, even though it happens to be unreasonable, but to try and restore him to good humour; to be hearty in praise of my teachers, as in the memoirs of Domitius and Athenodotus; and genuinely fond of my children.

From my brother Verus, love of belongings, love of truth, and love of justice; my knowledge of Thrasea, Helvidius, Cato,

Dion, and Brutus; and the conception of an equal commonwealth based on equality of right and equality of speech, and of imperial rule respecting first and foremost the liberty of the subject. From him too I learned harmonious well-attuned devotion to philosophy; unselfishness and generosity; hopefulness, and belief in friends' affection; outspokenness in disapproval, and not to leave friends to conjecture what one wanted or did not want, but to be plain with them.

From Maximus, self-mastery and singleness of aim; cheeriness in sickness or other visitations; dignity tempered with affability; the prompt performance of appointed tasks. . . .

From my father [1] I learned gentleness, and unshaken adherence to judgments deliberately formed; indifference to outward show and compliment; industry and assiduity; an ear open to all suggestions for the public weal; recognition inflexibly proportioned to desert; the tact that knew when to insist and when to relax; chaste habits and disinterested aims. . . .

From the gods — good grandsires, good parents, a good sister, good teachers; good associates, kinsmen, friends, good almost every one: and that I did not hastily fall out with any of them, though my natural disposition might easily enough have betrayed me into it; but by the goodness of the gods circumstances never conspired to put me to the test. Thanks to the gods that . . . in my imperial father I found a chief, who purged me of conceit, and brought me up to the idea, that court life need not entail men-at-arms or brocaded robes or flambeaux or statues or such like pomp; but that a prince may contract his state to the style of a private citizen, without thereby demeaning himself or relaxing imperial and representative position. The gods granted me a brother, whose influence stimulated me to make the most of my powers, while his respect and affection gave me new heart; children of good parts, and free from bodily deformities. They saved me from succeeding too well with rhetoric and poetry and the rest, in which I might have become absorbed, had I found it all smooth running. Thanks to them, I advanced my tutors betimes to the position which they had at heart, and did not put

[1] His foster-father and predecessor, the emperor Antoninus Pius.

them off with the hope that they were still young enough to wait: I came to know Apollonius, Rusticus, and Maximus; and got clear and rooted impressions of what is meant by living in accordance with nature. The gods have done their part; their gifts, their aid, their inspirations have not been wanting to help me to realise the life conformed to nature; that I still fall short of it is my own fault, and comes of not heeding the reminders, I may almost say the dictates of the gods. . . . Thanks be to the gods and destiny.

SECTION XII

MYTH, RITUAL, AND BELIEF

175. Father Zeus [1]

The Homeric Zeus is already the head of the pantheon. As "father of gods and men" he appears under the guise of a heaven-deity, who gathers the clouds in storms and hurls the lightning bolt. The thunder is his sign; the rainbow (Iris) and the eagle are his messengers. The Greeks attributed the origin of his worship, like that of the Hellenic race, to Thessaly in northern Greece, and on the Thessalian Olympus he reigned over the great gods in council.

Now when the twelfth morn thereafter was come, then the gods that are for ever fared to Olympus all in company, led of Zeus. And Thetis [2] forgat not her son's charge, but rose up from the sea-wave, and at early morn mounted up to great heaven and Olympus. There found she Kronos' son of the far-sounding voice sitting apart from all on the topmost peak of many-ridged Olympus. So she sat before his face and with her left hand clasped his knees, and with her right touched him beneath his chin, and spake in prayer to king Zeus son of Kronos: "Father Zeus, if ever I gave thee aid amid the immortal gods, whether by word or deed, fulfil thou this my desire: do honour to my son, that is doomed to earliest death of all men: now hath Agamemnon king of men done him dishonour, for he hath taken away his meed of honour and keepeth her [3] of his own violent deed. But honour thou him, Zeus of Olympus, lord of counsel; grant thou victory to the Trojans the while, until the Achaians do my son honour and exalt him with recompense."

So spake she; but Zeus the cloud-gatherer said no word to her, and sat long time in silence. But even as Thetis had clasped

[1] *Iliad*, i, 493–535. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 16–18. Macmillan and Company, Ltd.

[2] A sea goddess, mother of Achilles.

[3] Briseïs, a beloved captive of Achilles, from whom she had been taken unjustly by Agamemnon.

his knees, so held she by him clinging, and questioned him yet a second time: "Promise me now this thing verily, and bow thy head thereto; or else deny me, seeing there is naught for thee to fear; that I may know full well how I among all gods am least in honour."

Then Zeus the cloud-gatherer, sore troubled, spake to her: "Verily it is a sorry matter, if thou wilt set me at variance with Hera, whene'er she provoketh me with taunting words. Even now she upbraideth me ever amid the immortal gods, and saith that I aid the Trojans in battle. But do thou now depart again, lest Hera mark aught; and I will take thought for these things to fulfil them. Come now, I will bow my head to thee, that thou mayest be of good courage; for that, of my part, is the surest token amid the immortals; no word of mine is revocable nor false nor unfulfilled when the bowing of my head hath pledged it."

Kronion spake, and bowed his dark brow, and the ambrosial locks waved from the king's immortal head; and he made great Olympus quake.

Thus the twain took counsel and parted; she leapt therewith into the deep sea from glittering Olympus, and Zeus fared to his own palace. All the gods in company arose from their seats before their father's face; neither ventured any to await his coming, but they stood up all before him.

176. The Gods of Olympus [1]

The Olympian divinities, as represented by Homer, are really magnified men and women, subject to all human passions and appetites, but possessed of more than human power and endowed with immortality. They enjoy the banquet, where they feast on nectar and ambrosia; they marry and are given in marriage; and, as the following selection from the *Iliad* indicates, they sometimes descend to earth and take part in the combats of mortal men.

But Zeus bade Themis [2] call the gods to council from many-folded Olympus' brow; and she ranged all about and bade them

[1] *Iliad*, xx, 4–75. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 399–401. Macmillan and Company, Ltd.

[2] The goddess presiding over law and order. She dwells with Zeus on Olympus as his trusted assessor. The divine decrees were called *themistes*.

to the house of Zeus. There was no River came not up, save only Ocean, nor any nymph, of all that haunt fair thickets and springs of rivers and grassy water-meadows. And they came to the house of Zeus who gathereth the clouds, and sat them down in the polished colonnades which Hephaistos in the cunning of his heart had wrought for father Zeus.

Thus gathered they within the doors of Zeus; nor was the Earthshaker [1] heedless of the goddess' call, but from the salt sea came up after the rest, and set him in the midst, and inquired concerning the purpose of Zeus: "Wherefore, O Lord of the bright lightning, hast thou called the gods again to council? Say, ponderest thou somewhat concerning the Trojans and the Achaians? for lo, the war and the fighting of them are kindled very nigh."

And Zeus, who gathereth the clouds answered him, saying: "Thou knowest, O Earthshaker, the purpose within my breast, wherefor I gathered you hither; even in their perishing have I regard unto them. But for me I will abide here, sitting within a fold of Olympus, where I will gladden my heart with gazing; but go all ye forth that ye come among the Trojans and the Achaians and succour these or those, howsoever each of you hath a mind. For if Achilles alone [2] shall fight against the Trojans, not even a little while shall they hold back the son of Peleus, the fleet of foot. Nay, but even aforetime they trembled when they looked upon him; now therefore that his wrath for his friend [3] is waxen terrible I fear me lest he overleap the bound of fate, and storm the wall."

Thus spake the son of Kronos, and roused unabating war. For on this side and on that the gods went forth to war: to the company of the ships went Hera, and Pallas Athene, and Poseidon, Earth-enfolder, and the Helper Hermes, preëminent in subtle thoughts; and with these went Hephaistos in the greatness of his strength, halting, but his shrunk legs moved nimbly under him: but to the Trojans went Ares of the glancing helm,

[1] Poseidon.
[2] *I.e.*, without any interference on the part of the gods.
[3] Patroclus, who had been slain by Hector.

and with him Phœbus of the unshorn hair, and archer Artemis, and Leto and Xanthos and laughter-loving Aphrodite.

Now for so long as gods were afar from mortal men, so long waxed the Achaians glorious, for that Achilles was come forth among them, and his long ceasing from grim battle was at an end. And the Trojans were smitten with sore trembling in the limbs of every one of them, in terror when they beheld the son of Peleus, fleet of foot, blazing in his arms, peer of man-slaying Ares. But when among the mellay of men the Olympians were come down, then leapt up in her might Strife, rouser of hosts, then sent forth Athene a cry, now standing by the hollowed trench without the wall, and now on the echoing shores she shouted aloud. And a shout uttered Ares against her, terrible as the blackness of the storm, now from the height of the city to the Trojans calling clear, or again along Simoïs shore over Kallikolonë he sped.

So urged the blessed gods both hosts to battle, then themselves burst into fierce war. And terribly thundered the father of gods and men from heaven above; and from beneath Poseidon made the vast earth shake and the steep mountain tops. Then trembled all the spurs of many-fountained Ida, and all her crests, and the city of the Trojans, and the ships of the Achaians. And the Lord of the Underworld, Aïdoneus,[1] had terror in hell, and leapt from his throne in that terror and cried aloud, lest the world be cloven above him by Poseidon, Shaker of earth, and his dwelling-place be laid bare to mortals and immortals — grim halls, and vast, and loathly to the gods. So loud the roar rose of that battle of gods. For against King Poseidon stood Phœbus Apollo with his winged arrows, and against Enyalios[2] stood Athene, bright-eyed goddess, and against Hera she of the golden shafts and echoing chase, even archer Artemis, sister of the Far-darter; and against Hephaistos the great deep-eddying River, whom gods call Xanthos and men Skamandros.

Thus gods with gods were matched.

[1] Hades.
[2] Ares.

177. The Origin of the World and of the Gods [1]

Homer does not provide us with a detailed cosmogony. A passage in the *Iliad* represents Oceanus as the father of all the gods and Tethys, the Earth, as their suckling mother. Back of these nature-powers stands one still more august, the goddess Night, whom even Zeus fears to offend. A much more definite account of origins is found in the *Theogony*, a compilation of priestly lore and popular tradition attributed, with no great probability, to the Bœotian poet Hesiod. It may be as old as 700 B.C., and it always remained a standard authority on cosmological and genealogical matters. The poet begins by naming a natural triad — Earth, Heaven, and Night — as the sources of the gods, but then proceeds to relate a quite different cosmogony. Its ruling principle is not that of cause and effect, but that of sequence in time. First of all was Chaos, after whom, on the one hand, came Earth and Love, and, on the other hand, Erebus and Night. The second pair were the parents of Light and Day. Earth, without wedlock, produced Heaven and then the mountains and the seas. Lastly, mating with Heaven, she became the mother of Rhea and Cronus.

And Rhea, in union with Kronos, bare glorious children, Hestia, and Demeter, and golden-sandalled Hera, and strong Hades, who dwelleth under earth, whose heart is pitiless; and the loud-rumbling Shaker of the Earth,[2] and Zeus the Counsellor, Father of gods and men, by whose thunder the broad earth is shaken. And these did mighty Kronos swallow, even as each came forth from the holy womb to his mother's knees, with this design, that none other of the glorious sons of Heaven should hold the kingly honour among the immortals. For he learned from Earth and starry Heaven that it was fated him to be overcome by his own son, for all his strength, through the decrees of mighty Zeus. Wherefore he kept no blind ward, but watched and swallowed his own children. And unforgettable sorrow gat hold of Rhea. But when she was about to bring forth Zeus, the Father of gods and men, then she besought her dear parents, even Earth and starry Heaven, to devise counsel with her, how she might privily bring forth her dear son, and avenge herself on the Erinyes of his father, for the children whom mighty Kronos of the crooked

[1] Hesiod, *Theogony*, 453–506. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, 47–49. Clarendon Press.

[2] Poseidon.

counsels had devoured. And they hearkened eagerly to their dear daughter and obeyed her, and they told her all that was fated to happen in regard to Kronos the king and his stout-hearted son. And they conveyed her unto Lyktos, unto the rich land of Krete, when she was about to bring forth the youngest of her children, even mighty Zeus. And him did mighty Earth take from her hands to rear him and foster him in broad Krete. Thither came she bearing him through the swift black night, unto Lyktos first. And she took him in her arms and hid him in a lofty cave, under the secret places of the earth divine, even on the hill Aigaion, sheltered and wooded. And when she had swaddled a great stone, she gave it unto him, even to the mighty king, the son of Heaven, the former king of the gods. And he took it in his hands and put it in his belly, wretch who knew not in his breast that in place of the stone his son was left behind, unmoved and unvexed, who should anon overcome him by might and violent hands, and drive him from his office, and himself bear sway amid the deathless gods.

And the spirit and glorious limbs of that prince waxed speedily. And as the seasons revolved, mighty Kronos of crooked counsels was beguiled by the cunning suggestions of Earth to render up again his own offspring, overcome by the might and craft of his own son. And first he vomited forth the stone which he had swallowed last. And that stone Zeus set in the wide-wayed earth in goodly Pytho, in the glens of Parnassos, to be a sign in the aftertime, a marvel to mortal men.

And he loosed his father's brethren [1] from their deadly bonds, even the sons of Heaven, whom his father had bound in his foolishness. And they remembered to be grateful for his good services, and gave him thunder and the smoking thunderbolt and lightning: but hitherto mighty Earth had hidden them: trusting in these he ruleth mortals and immortals.

[1] The Cyclopes and Hecatonchires.

178. Prometheus [1]

Late Greek legends ascribed the origin of man to the Titan Prometheus (the "provident one"), who, after the original human race had been destroyed in the great flood of Deucalion, molded both men and animals of clay and either animated them himself or induced Zeus or Athena to do so. The most ancient account of the pedigree and exploits of Prometheus is found in the *Theogony*, where he appears as a culture hero who plays, or tries to play, a trick on Zeus and subsequently steals fire from heaven for the use of mortals.

For what time the gods and mortal men were contending at Mekone,[2] he with willing heart cut up a mighty ox and set it before them, deceiving the mind of Zeus. For he set for them the flesh and the inmeats with rich fat upon a hide, and covered them with an ox paunch; but for Zeus he set the white bones, craftily arraying them, and covering them with glistening fat.

Then the Father of gods and men spake unto him: "Son of Iapetos, most notable of all princes, how unfairly, O fond! hast thou divided the portions!"

So spake Zeus, who knoweth counsels imperishable, and mocked him. Then spake to him in turn Prometheus of crooked counsels, smiling quietly, but forgetting not his crafty guile: "Zeus, most glorious, mightiest of the everlasting gods, of these portions choose whichever thy soul within thy breast biddeth thee."

So spake he with crafty intent. But Zeus, who knoweth counsels imperishable, knew and failed not to remark the guile; and in his heart he boded evil things for mortal men, which were destined to be fulfilled. With both his hands he lifted up the white fat. And he was angered in his heart and wrath came about his soul when he beheld the white bones of the ox given him in crafty guile. And thenceforth do the tribes of men on earth burn white bones to the immortals upon fragrant altars. Then heavily moved, Zeus the Cloud Gatherer spake unto him:

[1] Hesiod, *Theogony*, 535–569. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, pp. 50–52. Clarendon Press.

[2] Zeus and the other gods, having triumphed over the Titans and assumed the sovereignty of the world, proceeded to negotiate with mankind about the honor to be paid to the immortals.

"Son of Iapetos, who knowest counsels beyond all others, O fond! thou hast not yet forgotten thy crafty guile." [1]

So in anger spake Zeus, who knoweth counsels imperishable. And thenceforward, remembering ever more that guile, he gave not the might of blazing fire to wretched mortals who dwell upon the earth. But the good son of Iapetos deceived him and stole the far-seen gleam of unwearied fire in a hollow fennel stalk,[2] and stung to depths the heart of Zeus who thundereth on high, and angered his dear heart when he beheld among men the far-shining gleam of fire.

179. Pandora [3]

Pandora (the " all-gifted ") might be called the Eve of Greek mythology. Hesiod represents her as endowed by the gods with perfect beauty and every grace, but also with a shameless mind and a deceitful soul. She is a bane to man, sent by Zeus as an offset to the great blessing of fire.

And He [4] bade glorious Hephaistos speedily to mingle earth with water, and put therein human speech and strength and make as the deathless goddesses to look upon the fair form of a lovely maiden. And Athene He bade teach her handiwork, to weave the embroidered web. And He bade golden Aphrodite shed grace about her head and grievous desire and wasting passion. And Hermes, the Messenger, the Slayer of Argos, He bade give her a shameless mind and a deceitful soul.

So Zeus bade and they hearkened unto Zeus the King, the Son of Kronos. Straightway of earth did the glorious Lame One [5] fashion the likeness of a modest maiden, as the Son of Kronos willed. And the goddess grey-eyed Athene girdled and arrayed her: the goddess Graces and the Lady Persuasion hung chains

[1] The myth explains a Greek sacrifice: the gods receive the bones and fat of the slain animal, while the sacrificers keep the meat for themselves. Zeus is represented divining the stratagem of Prometheus, but, out of enmity to man, purposely choosing the worse portion.

[2] A fennel stalk is still used in the Greek islands as a means of carrying a light.

[3] Hesiod, *Opera et dies*, 60–101. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, pp. 3–4. Clarendon Press.

[4] Zeus.

[5] Hephæstus.

of gold about her: the fair-tressed Hours crowned her with flowers of spring. All manner of adornment did Pallas Athene bestow about her body. And in her breast, the Messenger, the Slayer of Argos, put lies and cunning words and a deceitful soul, as Zeus the Thunderer willed. Also the Messenger of the gods gave her speech. And he named this woman Pandora, for that all the dwellers in Olympos had bestowed on her a gift: to be the bane of men that live by bread.

Now when He had wrought the sheer delusion unescapeable, the Father sent the glorious Slayer of Argos, the gods' swift Messenger, unto Epimetheus [1] with the gift. And Epimetheus took no thought how Prometheus had bidden him never take a gift from Olympian Zeus, but send it back, lest haply it become the bane of men. But he took it, and afterward in sorrow learned its meaning.

For of old the tribes of men lived on the earth apart from evil and grievous toil and sore diseases that bring the fates of death to men. For in the day of evil men speedily wax old. But the woman took off the great lid of the Jar [2] with her hands and made a scattering thereof and devised baleful sorrows for men. Only Hope abode within in her unbreakable chamber under the lips of the Jar and flew not forth. For ere she could, the woman put on the lid of the Jar, as Zeus the Lord of the Ægis, the Gatherer of the Clouds, devised. But ten thousand other evils wander among men. For the earth is full of evil and the sea is full.

180. The Five Races of Man [3]

Hesiod's picture of the Gold and Silver ages is purely ideal. The Bronze and Iron ages, on the contrary, are historical. In inserting an Heroic Age of demigods the poet makes a concession to the Greek custom of hero-worship.

First of all, a golden race of mortal men did the immortal Dwellers in Olympos fashion. These lived in the time of Kronos

[1] A Titan, brother of Prometheus.

[2] Hermes had given to Pandora, as her dowry, a jar in which every evil was shut up.

[3] Hesiod, *Opera et dies*, 109–179. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, pp. 5–7. Clarendon Press.

when he was king in Heaven. Like gods they lived, having a soul unknowing sorrow, apart from toil and travail. Neither were they subject to miserable eld, but ever the same in hand and foot, they took their pleasure in festival apart from all evil. And they died as overcome of sleep. All good things were theirs. The bounteous earth bare fruit for them of her own will, in plenty and without stint. And they in peace and quiet lived on their lands with many good things, rich in flocks and dear to the blessed gods. But since this race was hidden in the earth, Spirits they are by the will of mighty Zeus: good Spirits, on earth, keepers of mortal men: who watch over dooms and the sinful works of men, faring everywhere over the earth, cloked in mist: givers of wealth. Even this kingly privilege is theirs.

Then next the Dwellers in Olympos created a far inferior race, a race of silver, no wise like to the golden race in body or in mind. For a hundred years the child grew up by his good mother's side, playing in utter childishness within his home. But when he grew to manhood and came to the full measure of age, for but a little space they lived and in sorrow by reason of their foolishness. For they could not refrain from sinning the one against the other, neither would they worship the deathless gods, nor do sacrifice on the holy altars of the Blessed Ones, as is the manner of men wheresoever they dwell. Wherefore Zeus in anger put them away because they gave not honour to the blessed gods who dwell in Olympos. Now since this race too was hidden in earth, they beneath the earth are called blessed mortals: of lower rank, yet they too have their honour.

Then Zeus the Father created a third race of mortal men, a race of bronze, begotten of the Meliai,[1] terrible and strong: whose delight was in the dolorous works of Ares and in insolence. Bread they ate not: but souls they had stubborn of adamant, unapproachable: great was their might and invincible the arms that grew from their shoulders on stout frames. Of bronze was their armour, of bronze their dwellings, with bronze they wrought. Black iron was not yet. These by their own hands slain went down to the dank house of chill Hades, nameless. And black

[1] Ashen spears, personified. Spear-shafts were made of the ash.

Death slew them, for all that they were mighty, and they left the bright light of the sun.

Now when this race also was hidden in earth, yet a fourth race did Zeus the Son of Kronos create upon the bounteous earth, a juster race and better, a godlike race of hero men who are called demigods, the earlier race upon the boundless earth. And them did evil war and dread battle slay, some at seven-gated Thebes, the land of Kadmos, fighting for the flocks of Oidipodes: some when war had brought them in ships across the great gulf of the sea to Troy for the sake of fair-tressed Helen. There did the issue of death cover them about. But Zeus the Father, the Son of Kronos, gave them a life and an abode apart from men, and established them at the ends of the earth afar from the deathless gods: among them is Kronos king. And they with soul untouched of sorrow dwell in the Islands of the Blest [1] by deep eddying Okeanos: happy heroes, for whom the bounteous earth beareth honey-sweet fruit fresh thrice a year.

I would then that I lived not among the fifth race of men, but either had died before or had been born afterward. For now verily is a race of iron. Neither by day shall they ever cease from weariness and woe, neither in the night from wasting, and sore cares shall the gods give them. Howbeit even for them shall good be mingled with evil.

181. Deucalion and Pyrrha [2]

The Greek story of a great flood, as told by the mythographer Apollodorus, is not older than about the middle of the second century B.C., the time when he wrote. In substance it is much more ancient, for both Hellanicus the historian and Pindar the poet refer to it in the fifth century B.C. There seems to be no reason for regarding it as influenced in any way by the Semitic narrative (Babylonian or Hebrew). The Greek story, like so many others of the sort, doubtless arose from experience of a local inundation.

And Prometheus had a son Deucalion. He reigning in the regions about Phthia, married Pyrrha, the daughter of Epime-

[1] A conception to be connected with the Homeric Elysium.

[2] Apollodorus, *Bibliotheca*, i, 7, 2. Sir J. G. Frazer, *Apollodorus; the Library*, London, 1921, vol. i, pp. 53, 55. William Heinemann, Ltd.

theus and Pandora, the first woman fashioned by the gods. And when Zeus would destroy the men of the Bronze Age, Deucalion by the advice of Prometheus constructed a chest, and having stored it with provisions he embarked in it with Pyrrha. But Zeus by pouring heavy rain from heaven flooded the greater part of Greece, so that all men were destroyed, except a few who fled to the high mountains in the neighbourhood. It was then that the mountains in Thessaly parted, and that all the world outside the Isthmus [1] and Peloponnesus was overwhelmed. But Deucalion, floating in the chest over the sea for nine days and as many nights, drifted to Parnassus, and there, when the rain ceased, he landed and sacrificed to Zeus, the god of Escape. And Zeus sent Hermes to him and allowed him to choose what he would, and he chose to get men. And at the bidding of Zeus he took up stones and threw them over his head, and the stones which Deucalion threw became men, and the stones which Pyrrha threw became women. Hence people were called metaphorically people (*laos*) from *laas*, "a stone."

182. The Ghost of Patroclus [2]

The ancient Greek belief in the necessity of funeral rites, if the souls of the dead were to descend to Hades, is illustrated by this extract from the *Iliad*.

Now when sleep took hold on him,[3] easing the cares of his heart, deep sleep that fell about him (for sore tired were his glorious knees with onset upon Hector toward windy Ilios), then came there unto him the spirit of hapless Patroklos, in all things like his living self, in stature, and fair eyes, and voice, and the raiment of his body was the same; and he stood above Achilles' head and spake to him: "Thou sleepest, and hast forgotten me, O Achilles. Not in my life wast thou ever unmindful of me, but in my death. Bury me with all speed, that I pass

[1] The Isthmus of Corinth.

[2] *Iliad*, xxiii, 62–107. Andrew Lang, Walter Leaf, and Ernest Myers, *The Iliad of Homer* (Second Edition), London, 1892, pp. 452–453. Macmillan and Company, Ltd.

[3] Achilles.

the gates of Hades. Far off the spirits banish me, the phantoms of men outworn, nor suffer me to mingle with them beyond the River,[1] but vainly I wander along the wide-gated dwelling of Hades. Now give me, I pray pitifully of thee, thy hand, for never more again shall I come back from Hades, when ye have given me my due of fire. Never among the living shall we sit apart from our dear comrades and take counsel together, but me hath the harsh fate swallowed up which was appointed me even from my birth. Yea and thou too thyself, Achilles peer of gods, beneath the wall of the noble Trojans art doomed to die. . . .

Then made answer unto him Achilles fleet of foot: "Wherefore, O my brother, hast thou come hither, and chargest me everything that I should do? Verily I will accomplish all, and have regard unto thy bidding. But stand more nigh me; for one moment let us throw our arms around each other, and take our fill of dolorous lament."

He spake, and reached forth with his hands, but clasped him not; for like a vapour the spirit was gone beneath the earth with a faint shriek. And Achilles sprang up marvelling, and smote his hands together, and spake a word of woe: "Aye me, there remaineth then even in the house of Hades a spirit and phantom of the dead, albeit the life be not anywise therein: for all night long hath the spirit of hapless Patroklos stood over me, wailing and making moan, and charged me everything that I should do, and wondrous like his living self it seemed."

183. Odysseus in the Realm of Hades [2]

The Greeks, in common with the Babylonians, early Hebrews, and other peoples, imagined the abode of the dead as a dark underworld. According to the *Iliad* (xxii, 482) Hades lay "beneath the deeps of earth." The *Odyssey* similarly locates Erebus in the bowels of the earth, but further describes its entrance as lying at the limits of the known world, on the western side of the River of Ocean. Thither Odysseus arrives, in the course of his long wanderings.

[1] The River of Ocean, believed to encircle the earth.

[2] *Odyssey*, xi, 23–89. S. H. Butcher and Andrew Lang, *The Odyssey of Homer*, London, 1879, pp. 172–175. Macmillan and Company, Ltd.

There Perimedes and Eurylochus held the victims, but I drew my sharp sword from my thigh, and dug a pit, as it were a cubit in length and breadth, and about it poured a drink-offering to all the dead, first with mead and thereafter with sweet wine, and for the third time with water. And I sprinkled white meal thereon, and entreated with many prayers the strengthless heads of the dead, and promised that on my return to Ithaca I would offer in my halls a barren heifer, the best I had, and fill the pyre with treasure, and apart unto Teiresias [1] alone sacrifice a black ram without spot, the fairest of my flock. But when I had besought the tribes of the dead with vows and prayers, I took the sheep and cut their throats over the trench, and the dark blood flowed forth, and lo, the spirits of the dead that be departed gathered them from out of Erebus.[2] Brides and youths unwed, and old men of many and evil days, and tender maidens with grief yet fresh at heart; and many there were, wounded with bronze-shod spears, men slain in fight with their bloody mail about them. And these many ghosts flocked together from every side about the trench with a wondrous cry, and pale fear gat hold on me. Then did I speak to my company and command them to flay the sheep that lay slain by the pitiless sword, and to consume them with fire, and to make prayer to the gods, to mighty Hades and to dread Persephone,[3] and myself I drew the sharp sword from my thigh and sat there, suffering not the strengthless heads of the dead to draw nigh to the blood, ere I had word of Teiresias.

And first came the soul of Elpenor, my companion, that had not yet been buried beneath the wide-wayed earth; for we left the corpse behind us in the hall of Circe, unwept and unburied, seeing that another task was instant on us. At the sight of him I wept and had compassion on him, and uttering my voice spake to him winged words: "Elpenor, how hast thou come beneath the darkness and the shadow? Thou hast come fleeter on foot than I in my black ship."

[1] The blind soothsayer of Thebes, who alone of all the shades possessed unimpaired memory and intellect.

[2] A name of the lower world, signifying darkness.

[3] Consort of Hades.

So spake I, and with a moan he answered me, saying: "Son of Laërtes, of the seed of Zeus, Odysseus of many devices, an evil doom of some god was my bane and wine out of measure. When I laid me down on the house-top of Circe I minded me not to descend again by the way of the tall ladder, but fell right down from the roof, and my neck was broken off from the bones of the spine, and my spirit went down to the house of Hades. And now I pray thee in the name of those whom we left, who are no more with us, thy wife, and thy sire who cherished thee when as yet thou wert a little one, and Telemachus, whom thou didst leave in thy halls alone; forasmuch as I know that on thy way hence from out the dwelling of Hades, thou wilt stay thy well-wrought ship at the isle Ææan, even then, my lord, I charge thee to think on me. Leave me not unwept and unburied as thou goest hence, nor turn thy back upon me, lest haply I bring on thee the anger of the gods. Nay, burn me there with mine armour, all that is mine, and pile me a barrow on the shore of the grey sea, the grave of a luckless man, that even men unborn may hear my story. Fulfil me this and plant upon the barrow mine oar, wherewith I rowed in the days of my life, while yet I was among my fellows."

Even so he spake, and I answered him saying: "All this, luckless man, will I perform for thee and do."

Even so we twain were sitting holding sad discourse, I on the one side, stretching forth my sword over the blood, while on the other side the ghost of my friend told all his tale.

Anon came up the soul of my mother dead, Anticleia, the daughter of Autolycus the great-hearted, whom I left alive when I departed for sacred Ilios. At the sight of her I wept, and was moved with compassion, yet even so, for all my sore grief, I suffered her not to draw nigh to the blood, ere I had word of Teiresias.

184. Elysium [1]

The etymology of the Greek word that has been Latinized as Elysium is uncertain. The idea itself is at least as old as Homer. The *Odyssey*

[1] *Odyssey*, iv, 561–569. S. H. Butcher and Andrew Lang, *The Odyssey of Homer*, London, 1879, p. 66. Macmillan and Company, Ltd.

contains the first literary reference to the belief in a western Paradise to which semi-divine heroes are translated.

"But thou,[1] Menelaus, son of Zeus, art not ordained to die and meet thy fate in Argos, the pasture-land of horses, but the deathless gods will convey thee to the Elysian plain and the world's end,[2] where is Rhadamanthus[3] of the fair hair, where life is easiest for men. No snow is there, nor yet great storm, nor any rain; but always ocean sendeth forth the breeze of the shrill West to blow cool on men: yea, for thou hast Helen to wife, and thereby they deem thee to be the son of Zeus."

185. The Isles of the Blest[4]

The second *Olympian* was composed by Pindar in honor of Theron, tyrant of Acragas (in Sicily), whose chariot won a victory at Olympia in 476 B.C. The passage here quoted shows the influence on Pindar of the new doctrines concerning the life after death associated with the mysteries and the mystical philosophies of the sixth and fifth centuries B.C. Ideas of transmigration, a judgment of the dead, and the punishment of sinners are only briefly referred to, but there is a detailed description of the Paradise reserved for the soul, after three virtuous lives, in the Isles of the Blest.

Victory setteth free the essayer from the struggle's griefs, yea and the wealth that a noble nature hath made glorious bringeth power for this and that, putting into the heart of man a deep and eager mood, a star far seen, a light wherein a man shall trust, if but the holder thereof knoweth the things that shall be, how that of all who die the guilty souls pay penalty, for all the sins sinned in this realm of Zeus One judgeth under earth, pronouncing sentence by unloved constraint.

But evenly ever in sunlight night and day an unlaborious life the good receive, neither with violent hand vex they the earth nor the waters of the sea, in that new world; but with the honoured of the gods, whosoever had pleasure in keeping of

[1] The speaker is the prophetic sea god Proteus.

[2] On the banks of Ocean, at the western extremity of the earth.

[3] Son of Zeus and Europa, brother of Minos.

[4] Pindar, *Olympian* ii, 51–83. Ernest Myers, *The Extant Odes of Pindar*, London, 1874, pp. 8–9. Macmillan and Company, Ltd.

oaths, they possess a tearless life: but the other part suffer pain too dire to look upon.

Then whosoever have been of good courage to the abiding steadfast thrice on either side of death and have refrained their souls from all iniquity, travel the road of Zeus unto the tower of Kronos: there round the islands of the blest the Ocean-breezes blow, and golden flowers are glowing, some from the land on trees of splendour, and some the water feedeth, with wreaths whereof they entwine their hands: so ordereth Rhadamanthos' just decree, whom at his own right hand hath ever the father Kronos, husband of Rhea, throned above all worlds.

Peleus and Kadmos are counted of that company; and the mother of Achilles, when her prayer had moved the heart of Zeus, bare thither her son, even him who overthrew Hector, Troy's unbending invincible pillar, even him who gave Kyknos [1] to death and the Ethiop son of the Morning.[2]

186. Tartarus [3]

Homer knows of a place called Tartarus, far beneath Erebus or Hades, where those who rebelled against the will of Zeus were confined (*Iliad*, viii, 4–17). To this dark abyss Hesiod relegates the Titans, after their conquest by Zeus and his allies. Later poets represented Tartarus as the place of damnation, a hell in which the wicked, after their condemnation by the judges of the world below, suffered endless punishments.

And amid the foremost Kottos and Briareos and Gyes,[4] insatiate of war, awoke bitter battle: who hurled in quick succession three hundred rocks from their stout hands, and overshadowed the Titans with their shafts, and sent them beneath the wide-wayed earth, and bound them in grievous bonds, overcoming them with their hands for all that their spirit was exceeding proud: as far beneath the earth as the heaven is high above the earth: for even so far is it from earth to misty Tartaros. If an anvil of bronze were to fall from heaven for nine

[1] Born invulnerable, but strangled to death by Achilles.

[2] Memnon, also slain at Troy by Achilles.

[3] Hesiod, *Theogony*, 713–745. A. W. Mair, *Hesiod; the Poems and Fragments*, Oxford, 1908, pp. 57–58. Clarendon Press.

[4] The Hecatonchires, the hundred-handed and fifty-headed offspring of Uranus.

nights and nine days, on the tenth day it would come to earth: and again if an anvil of bronze were to descend from earth for nine days and nine nights, on the tenth it would come to Tartaros, round which is drawn a fence of bronze. And about it round the neck thereof Night is spread in three lines, while above grow the roots of earth and the unharvested sea. There the Titan gods are hidden under the misty darkness by the decrees of Zeus the Cloud Gatherer, in a dank place, at the verge of the giant earth. And they may not come forth: for Poseidon hath set thereto gates of bronze, and a wall runs round on either side. There Gyes, and Kottos, and great-hearted Briareos dwell, the faithful watchers of Ægis-bearing Zeus. And there are the springs and the ends of dusky earth, and of misty Tartaros, and of the unharvested sea, and of starry heaven, all in order, dank and terrible, which even the gods abhor: a mighty chasm: if a man once came within the gates thereof, not till the end of a whole year would he reach the ground, but this way and that grievous whirlwind on grievous whirlwind would carry him. A dread portent is this even to the deathless gods. And there stand the terrible habitations of murky Night, shrouded in dark clouds.

187. The Eleusinian Mysteries [1]

The mysteries that grew up in post-Homeric times at Eleusis, an Attic town a few miles from Athens, were connected with the worship of Demeter, goddess of vegetation and the life of nature. The celebration of the rites came in September and lasted nine days. No contemporary description of them exists, but we know that they included a passion play founded on the myth of Demeter and her daughter, Persephone. Emphatic testimony as to the spiritual impression which they made upon initiates is borne by the Athenian orator Isocrates, in a speech delivered in 380 B.C.

In the first place, then, the first need of our nature was supplied by the agency of our state; for even though the story is a mythical one, yet it is fit to be told even at the present day. When Demeter came into the country in her wandering, after the rape of Persephone, and was kindly disposed to our fore-

[1] Isocrates, *Panegyricus*, 28–29. J. H. Freese, *The Orations of Isocrates*, London, 1894, vol. i, pp. 60–61. G. Bell and Sons, Ltd.

fathers on account of the services they rendered her, which can be told to none but the initiated, she bestowed two gifts which surpass all others: the fruits of the earth, which have saved us from the life of wild beasts, and the mystic rite, the partakers in which have brighter hopes concerning the end of life and the eternity beyond; under these circumstances Athens showed such love for men, as well as for the gods, that, when she became mistress of these great blessings, she did not grudge them to the rest of the world, but shared her advantages with all.[1] Now as to the festival, we to this day celebrate it every year; and as to the fruits of the earth, Athens has once for all taught the uses to which they can be put, the operations which they require, and the benefits which arise from them.

188. The Olympian Games [2]

This Pindaric ode celebrates a victory by Agesidamus of Epizephyrian Locris in the boys' boxing match at Olympia in 484 B.C. The ode contains an account of the institution of the games by Heracles.

Of that light in the life of a man before all other deeds, that first of contests, the ordinances of Zeus have stirred me to sing, even the games which by the ancient tomb of Pelops the mighty Herakles founded, after that he slew Kleatos, Poseidon's goodly son, and slew also Eurytos, that he might wrest from tyrannous Augeas against his will reward for service done.

Lying in ambush beneath Kleonai did Herakles overcome them on the road, for that formerly these same violent sons of Molos made havoc of his own Tirynthian folk by hiding in the valleys of Elis. And not long after the guest-betraying king of the Epeans saw his rich native land, his own city, beneath fierce fire and iron blows sink down into the deep moat of calamity. Of strife against stronger powers it is hard to be rid. Likewise Augeas last of all in his perplexity fell into captivity and escaped not precipitate death.

[1] The mysteries had become, by the time of Isocrates, a Panhellenic festival open to all Greeks, women as well as men, slaves as well as freemen.

[2] Pindar, *Olympian* xi, 23–83. Ernest Myers, *The Extant Odes of Pindar*, London, 1874, pp. 39–40. Macmillan and Company, Ltd.

Then the mighty son of Zeus having gathered together all his host at Pisa, and all the booty, measured a sacred grove for his sovereign Father; and having fenced around the Altis he marked the bounds thereof in a clear space, and the plain encompassing it he ordained for rest and feasting, and paid honour to the river Alpheos together with the twelve greatest gods. And he named it by the name of the Hill of Kronos; for theretofore it was without name, when Oinomaos was king, and it was sprinkled with much snow.

And at this first-born rite the Fates stood hard at hand, and he who alone proveth sure truth, even Time. He travelling onward hath told us the clear tale of how the founder set apart the choicest of the spoil for an offering from the war, and sacrificed, and how he ordained the fifth-year feast with the victories of that first Olympiad.

Who then won to their lot the new-appointed crown by hands or feet or chariot, setting before them the prize of glory in the games, and winning it by their act? In the foot race down the straight course of the stadion was Likymnios' son Oionos first, from Nidea had he led his host: in the wrestling was Tegea glorified by Echemos: Doryklos won the prize of boxing, a dweller in the city of Tiryns, and with the four-horse chariot, Samos of Mantinea, Halirrhothios' son: with the javelin Phrastor hit the mark: in distance Enikeus beyond all others hurled the stone with a circling sweep, and all the warrior company thundered a great applause.

Then on the evening the lovely shining of the fair-faced moon beamed forth, and all the precinct sounded with songs of festal glee, after the manner which is to this day for triumph.

So following the first beginning of old time, we likewise in a song named of proud victory will celebrate the thunder and the flaming bolt of loud-pealing Zeus, the fiery lightning that goeth with all victory.[1]

[1] The Locrians worshiped Zeus especially as the Thunderer.

189. The Delian Festival [1]

The little island of Delos was the center of an important religious federation (amphictyony) of the Ionian Greeks. It centered in the ancient shrine of Apollo. The *Hymn to the Delian Apollo* consists of two parts: the first dealing with Apollo's birth and the foundation of his shrine on the island; the second concerned with the establishment of his oracle at Delphi. The description of the Delian festival, here quoted, gives an idea of what an amphictyonic assembly, with its musical and gymnastic contests, was like in early times.

But thyself, O prince of the Silver Bow, far-darting Apollo, didst now pass over rocky Cynthus, now wander among temples and men. Many are thy fanes and groves, and dear are all the headlands, and high peaks of lofty hills, and rivers flowing onward to the sea; but with Delos, Phœbus, art thou most delighted at heart, where the long-robed Ionians gather in thine honour, with children and shame-fast wives. Mindful of thee they delight thee with boxing, and dances, and minstrelsy in their games. Who so then encountered them at the gathering of the Ionians, would say that they are exempt from eld and death, beholding them so gracious, and would be glad at heart, looking on the men and fair-girdled women, and their much wealth, and their swift galleys. Moreover, there is this great marvel of renown imperishable, the Delian damsels, hand-maidens of the Far-darter. They, when first they have hymned Apollo, and next Leto and Artemis the Archer, then sing in memory of the men and women of old time, enchanting the tribes of mortals. And they are skilled to mimic the notes and dance music of all men, so that each would say himself were singing, so well woven is their fair chant.

190. The Delphic Oracle [2]

The following account of the Delphic oracle is by the Greek geographer Strabo, who wrote early in the first century of the Christian era.

[1] *Hymni Homerici*, i, 140–164. Andrew Lang, *The Homeric Hymns*, London, 1899, pp. 111–112. George Allen and Unwin, Ltd.

[2] Strabo, *Geographica*, ix, 3, 4–8. H. C. Hamilton and William Falconer, *The Geography of Strabo*, London, 1854–1857, vol. iii, pp. 117–119. G. Bell and Sons, Ltd.

The temple at Delphi is now much neglected, although formerly it was held in the greatest veneration. Proofs of the respect which was paid to it are the treasuries constructed at the expense of communities and princes, where was deposited the wealth dedicated to sacred uses, the works of the most eminent artists, the Pythian games, and a multitude of celebrated oracles.

The place where the oracle is delivered is said to be a deep hollow cavern, the entrance to which is not very wide. From it rises up an exhalation, which inspires a divine frenzy: over the mouth is placed a lofty tripod on which the Pythian priestess ascends to receive the exhalation, after which she gives the prophetic response in verse or prose.[1] The prose is adapted to measure by poets who are in the service of the temple. . . . Although the highest honour was paid to this temple on account of the oracle (for it was the most exempt of any from deception), yet its reputation was owing in part to its situation in the centre of all Greece, both within and without the isthmus. It was also supposed to be the centre of the habitable earth, and was called the Navel of the earth. A fable, referred to by Pindar, was invented, according to which two eagles (or, as others say, two crows), set free by Jupiter, one from the east, the other from the west, alighted together at Delphi. In the temple is seen a sort of navel wrapped in bands, and surmounted by figures representing the birds of the fable. . . .

In the beginning, the persons in the neighbourhood only . . . consulted the oracle, but afterwards people repaired thither from a distance for this purpose, sent gifts, and constructed treasuries, as Crœsus,[2] and his father Alyattes, some of the Italians also, and Siceli.[3] But the wealth, being an object of cupidity, was guarded with difficulty, although dedicated to sacred uses. At present, however, whatever it might have been, the temple at Delphi is exceedingly poor. Some of the offerings

[1] This method of producing inspiration does not seem to have been used by the Pythoness in early times.

[2] King of Lydia, 560–546 B.C.

[3] Sicilians.

have been taken away for the sake of the money, but the greater part remain there.

191. A Criticism of Polytheism [1]

Zenophanes of Colophon (in Ionia) lived during the sixth and fifth centuries B.C. He wandered up and down the land of Hellas from the age of twenty-five and was still composing satirical poetry at the age of ninety-two. His attacks on the crude polytheism of the multitude helped to prepare the way for the skepticism of the later pre-Socratic philosophers. Some surviving fragments of his works are quoted below.

Homer and Hesiod have ascribed to the gods all things that are a shame and a disgrace among mortals, stealings and adulteries and deceivings of one another.

Since they have uttered many lawless deeds of the gods, stealings and adulteries and deceivings of one another.

But mortals deem that the gods are begotten as they are, and have clothes like theirs, and voice and form.

Yes, and if oxen and horses or lions had hands, and could paint with their hands, and produce works of art as men do, horses would paint the forms of the gods like horses, and oxen like oxen, and make their bodies in the image of their several kinds.

The Ethiopians make their gods black and snub-nosed; the Thracians say theirs have blue eyes and red hair.

The gods have not revealed all things to men from the beginning, but by seeking they find in time what is better.

One god, the greatest among gods and men, neither in form like unto mortals nor in thought. . . .

He sees all over, thinks all over, and hears all over.

But without toil he swayeth all things by the thought of his mind.

And he abideth ever in the selfsame place, moving not at all; nor doth it befit him to go about now hither now thither.

[1] John Burnet, *Early Greek Philosophy* (Third Edition), London, 1920, pp. 119–120. A. and C. Black, Ltd.

192. Invention of the Gods[1]

Critias, author of this rationalistic passage, was a man of talents — poet, orator, historian, and philosopher, — but he is best remembered as the leader of the Thirty Tyrants who ruled Athens for a short time after the close of the Peloponnesian war. He fell in battle against the returning democrats in 403 B.C. Only fragments of his works, which included the satiric drama *Sisyphus*, remain. A quotation from that drama is given below.

There was a time when human life was orderless, like the beasts', and subject to violence, and there was no reward for the good nor punishment for the bad. Next, as I think, men made for themselves laws of punishment, that Justice might be lord over all alike and hold insolence in servitude; and any who offended was punished.

But, although the laws kept them from open deeds of violence, men went on doing them in secret; and then it was, I believe, that some clever and sagacious man first invented for mortals the fear of the gods, so that there might be something to frighten the wicked, even though their acts or words and thoughts were secret. For that reason then he introduced the doctrine that the divine is a spirit endowed with the vigour of immortal life, hearing and seeing by means of his thought and with excess of wisdom noting these deeds, and wearing a divine form. "He will hear whatever mortals say, and be able to see whatever they do. Though you plot some wickedness in silence, the gods will know of it, for their thoughts are not as ours." With such words he introduced the pleasantest of doctrines, veiling the truth with a false tale.

And for the dwelling of the gods he chose the place that would have the most startling effect on men, the place he knew to be the source of human terrors as well as of the things that succour this miserable life — the round sky above us, where he saw the lightnings with the dreadful crash of thunder, and the form of heaven with starry eyes inwrought with cunning beauty by the craftsman, Time; where moves the bright molten mass of

[1] F. M. Cornford, *Greek Religious Thought*, London, 1923, pp. 133–134. J. M. Dent and Sons, Ltd.

the star of day, and whence the rain-shower sets out on its journey to the earth.

Such were the bugbears with which he scared mankind; and for that purpose imagined this admirable story and established the deity in a suitable habitation, and so extinguished lawlessness by law.

193. The Superstitious Man [1]

The scientist and philosopher Theophrastus (d. 287 B.C.) was also the author of the well-known *Characters*, a book delineating the chief moral types of his time.

Superstition would seem to be simply cowardice in regard to the supernatural.

The Superstitious man is one who will wash his hands at a fountain, sprinkle himself from a temple-font, put a bit of laurel-leaf into his mouth,[2] and so go about for the day. If a weasel run across his path, he will not pursue his walk until someone else has traversed the road, or until he has thrown three stones across it. When he sees a serpent in his house, if it be the red snake, he will invoke Sabazius,[3] — if the sacred snake, he will straightway place a shrine on the spot. He will pour oil from his flask on the smooth stones at the cross-roads,[4] as he goes by, and will fall on his knees and worship them before he departs. If a mouse gnaws through a meal-bag, he will go to the expounder of sacred law and ask what is to be done; and, if the answer is, "give it to a cobbler to stitch up," he will disregard this counsel, and go his way, and expiate the omen by sacrifice. He is apt, also, to purify his house frequently, alleging that Hecate has been brought into it by spells: and, if an owl is startled by him in his walk, he will exclaim "Glory be to Athene!" before he proceeds. He will not tread upon a tombstone, or come near a dead body or

[1] Theophrastus, *Characteres*. xxviii (xvi). Sir R. C. Jebb, *The Characters of Theophrastus* (Second Edition), London, 1909, pp. 139–147. Edited by Sir J. E. Sandys. Macmillan and Company, Ltd.

[2] Thus placing himself under the protection of Apollo.

[3] A Thracian and Phrygian deity usually identified by the Greeks with Dionysus. The symbol especially appropriated to him was the snake.

[4] Altars of Hecate, goddess of night and of the underworld.

a woman defiled by childbirth, saying that it is expedient for him not to be polluted. Also on the fourth and seventh days of each month [1] he will order his servants to mull wine, and will go out and buy myrtle-wreaths, frankincense, and smilax; and on coming in, will spend the day in crowning the Hermaphrodites.[2] When he has seen a vision, he will go to the interpreters of dreams, the seers, the augurs, to ask them to what god or goddess he ought to pray. Every month he will repair to the priests of the Orphic Mysteries, to partake in their rites, accompanied by his wife, or (if she is too busy) by his children and their nurse. He would seem, too, to be of those who are scrupulous in sprinkling themselves with sea-water; and, if ever he observes anyone feasting on the garlic at the cross-roads, he will go away, pour water over his head, and, summoning the priestesses, bid them carry a squill or a puppy round him for purification. And, if he sees a maniac or an epileptic man, he will shudder and spit into his bosom.

194. Roman Religious Laws [3]

Cicero's dialogue, *On the Laws*, begun in 52 B.C., was apparently never completed. The second book contains a good summary of the old Roman religion.

Let men approach the gods with purity — let men appear before them in the spirit of devotion — let men remove riches from their temples; whoever doth otherwise shall suffer the vengeance of heaven — let no one have private gods — neither new gods nor strange gods, unless publicly acknowledged, are to be worshipped privately — let the temples which our fathers have constructed in the cities, be upheld — let the people maintain the groves in the country, and the abodes of the Lares [4] — let men preserve the customs of their fathers and of their family — let the gods who have always been accounted celestial be wor-

[1] The fourth day of each month was sacred to Hermes and the seventh day to Apollo.

[2] Hermaphroditus, son of Hermes and Aphrodite, was a household deity.

[3] Cicero, *De legibus*, ii, 8–9. C. D. Yonge, *Treatises of M. T. Cicero*, London, 1853, pp. 436–438. G. Bell and Sons, Ltd.

[4] Household spirits.

shipped, and those likewise who have merited celestial honours by their illustrious actions, such as Hercules, Bacchus, Æsculapius, Castor, Pollux and Quirinus. Let due honour be likewise paid to those virtues, by which man is exalted to heaven, — as Intelligence, Valour, Piety, Fidelity; and let temples be consecrated to their honour — with regard to the vices, let no sacred sacrifices be paid to them.

Let men put aside all contentions of every kind on the sacred festivals, and let servants enjoy them, their toils being remitted, for therefore they were appointed at certain seasons.[1] Let the priests duly render the public thank-offerings to heaven, with herbs and fruits, on the sacrificial days. Also, on the appointed holidays, let them offer up the cream of milk, and the sucklings; and lest the priests should commit any mistakes in these sacrifices, or the reason of these sacrifices, let them carefully observe the calendar, and the revolutions of the stars. Let them provide those particular victims which are most appropriate and agreeable to each particular deity. Let the different gods have different orders of priests. Let them all have pontiffs in common; and let each separate god have his Flamen.

Let the Vestal Virgins in the city carefully keep the eternal fire of the public altar always burning; and, that this may be done both publicly and privately with all due form and ceremony, let those who are not instructed in the order of the ceremonials learn it from the public priests. Let there be two classes of these priests, one to preside over ceremonials and sacrifices, and the other to interpret the obscure predictions of the prophets and diviners, whenever the senate and the people require it. Let the public Augurs, who are the interpreters of the all-good and all-great Jupiter, likewise examine the presages and the auspices, according to the discipline of their art. Let the priests who are conversant in auguries implore prosperity for the vineyards and gardens, and pray for the general welfare of the people. Let those who give counsel in military or civic affairs attend to the

[1] The Roman holy days were occasions for purification, propitiation of the gods, and suspension of all political and judicial business. They were also holidays, when even slaves enjoyed a cessation of toil.

auspices, and be guided by them. Let them guard against the anger of heaven, and appease it; and observe from what parts of heaven the lightnings burst forth. Let them declare what lands, cities, and temples are to be held free and consecrated. Whatever things the augur declares to be unjust, ill-omened, vicious, and accursed, let them be forsaken as prohibited and disastrous, and whoever will not obey these divine indications, let him suffer capital punishment.

As to alliances, peace, war, truces, and the rights of ambassadors, let the two Fetiales be the appropriate judges, and let them determine all questions relating to military affairs. Let them report all prodigies and portents to the Etruscans and soothsayers, if the senate orders it; and let the chiefs of Etruria explain their system. Then will they learn what deities it behoves them to propitiate, and deprecate the fury of the thunderbolt against the object of its vengeance.

Let there be no nocturnal sacrifices performed by women, except those which they offer according to custom on behalf of the people; and let none be initiated in the mysteries except by the usual forms consecrated to Ceres, according to the Grecian ceremonials. . . .

Let men temper the public hilarity with song, and harp, and flute at the public games, as far as can be done without the games of the race-course and the wrestling-matches, and let them unite these amusements with the honours of the gods. Let them retain whatever is best and purest in the ancient form of worship. Except the devotees of Cybele,[1] to whom this privilege is allowed on certain days, let no one presume to levy rates for private emolument. Whoever purloins or robs any temple, or steals any property deposited in a temple, shall be accounted a parricide. The divine punishment of perjury is destruction, — the human penalty is infamy. With regard to incest, let the chief priests sentence it to the extremest penalty of the law.

Let not the impious man attempt to appease the gods by gifts and offerings. Let vows be carefully performed. Wherever law

[1] The worship of Cybele, or the Great Mother, was introduced into Rome from Asia Minor during the second Punic war.

is violated let its punishments be executed. Let no private person presume to consecrate his land; and let his consecration of gold, silver, and ivory be made within the limits of moderation. Let the sacred actions of private persons be preserved inviolate for ever. Let the rights of the Deities of the dead be considered sacred. Let those who have passed into the world of souls be considered as deified; but let men diminish the unnecessary expense and sorrow which is lavished on them.

195. A Defense of Divination [1]

The two books of Cicero's essay *On Divination* (written in 44 B.C.) present the arguments for and against that ancient and widespread religious practice. In the first book Cicero's brother, Quintus, upholds the Stoic view that divinatory signs are really sent by the gods; in the second book Cicero argues, with the skepticism of the New Academy, that the fulfillment of dreams, oracles, omens, and other signs is all a matter of chance and that the belief in them is a delusion. Quintus, in favor of his position, quotes the opinions of Greek philosophers.

Aristotle thought that even the people who rave from the effects of sickness and are called "hypochondriacs" have within their souls some power of foresight and of prophecy. But, for my part, I am inclined to think that such a power is not to be attributed either to a diseased stomach or to a disordered brain. On the contrary, it is the healthy soul and not the sickly body that has the power of divination. The Stoics, for example, establish the existence of divination by the following process of reasoning:

"If there are gods and they do not make clear to man in advance what the future will be, then they do not love man; or, they themselves do not know what the future will be; or, they think that it is of no advantage to man to know what it will be; or, they think it inconsistent with their dignity to give man forewarnings of the future; or, finally, they, though gods, cannot give intelligible signs of coming events. But it is not true that the gods do not love us, for they are the friends and benefactors of the human race; nor is it true that they do not

[1] Cicero, *De divinatione*, i, 38–39. W. A. Falconer, *Cicero; De Senectute, De Amicitia, De Divinatione*, London, 1923, pp. 313–319. William Heinemann, Ltd.

know their own decrees and their own plans; nor is it true that it is of no advantage to us to know what is going to happen, since we should be more prudent if we knew; nor is it true that the gods think it inconsistent with their dignity to give forecasts, since there is no more excellent quality than kindness; nor is it true that they have not the power to know the future; therefore it is not true that there are gods and yet that they do not give us signs of the future; but there are gods, therefore they give us such signs; and if they give such signs, it is not true that they give us no means to understand those signs — otherwise their signs would be useless; and if they give us the means, it is not true that there is no divination; therefore there is divination."

Chrysippus, Diogenes, and Antipater employ the same reasoning. Then what ground is there to doubt the absolute truth of my position? For I have on my side reason, facts, peoples, and races, both Greek and barbarian, our own ancestors, the unvarying belief of all ages, the greatest philosophers, the poets, the wisest men, the builders of cities, and the founders of republics. Are we not satisfied with the unanimous judgment of men, and do we wait for beasts to give their testimony too? The truth is that no other argument of any sort is advanced to show the futility of the various kinds of divination which I have mentioned except the fact that it is difficult to give the cause or reason of every kind of divination. You ask, "Why is it that the soothsayer, when he finds a cleft in the lung of the victim, even though the other vitals are sound, stops the execution of an undertaking and defers it to another day?" "Why does an augur think it a favourable omen when a raven flies to the right, or a crow to the left?" "Why does an astrologer consider that the moon's conjunction with the planets Jupiter and Venus at the birth of children is a favourable omen, and its conjunction with Saturn or Mars unfavourable?" Again, "Why does God warn us when we are asleep and fail to do so when we are awake?" Finally, "Why is it that mad Cassandra foresees coming events and wise Priam cannot do the same?"

You ask why everything happens. You have a perfect right

to ask, but that is not the point at issue now. The question is, Does it happen, or does it not? For example, if I were to say that the magnet attracted iron and drew it to itself, and I could not tell you why, then I suppose you would utterly deny that the magnet had any such power. At least that is the course you pursue in regard to the existence of the power of divination, although it is established by our own experience and that of others, by our reading and by the traditions of our forefathers. Why, even before the dawn of philosophy, which is a recent discovery, the average man had no doubt about divination, and, since its development, no philosopher of any sort of reputation has had any different view.

196. Ritual for the Lemuria [1]

The Augustan poet Ovid preserves in his commentary on the Roman calendar (*Fasti*), which is complete for the first half of the Julian year, much valuable information concerning the old Roman religion. He here gives us some details as to the private worship of the dead as performed by the head of the household on May 9, 11, and 13, at the so-called Lemuria. This was not a public festival, at least in historical times. The grotesque domestic rites, for which Ovid is our only informant, had doubtless come down from ruder ages, when the fear of the dead and of evil spirits was a powerful influence on the minds of the people.

When thrice from this time the Star of the Evening shall have raised his beauteous disk, and thrice the conquered stars shall have made way for the Sun, then will be the rites of your ancient ceremonial feast of the Lemures;[2] this feast will present the offerings to the silent shades. Their year was shorter, and not as yet had they been taught to employ, for purification, the affectionate Februa, and not yet wast thou the leader of the months, O Janus! thou of the double form. Yet already did they offer their peculiar gifts to the ashes of the dead, and the grandson performed the rites at the tomb of his buried grandsire. The month was called Maius, from the name of the "majores," which even now retains a part of the ancient custom. When midnight

[1] Ovid, *Fasti*, v, 419–446. H. T. Riley, *The Fasti . . . of Ovid*, London, 1851–1852, pp. 196–197. G. Bell and Sons, Ltd.

[2] Probably to be considered as evil, or at any rate, hostile spirits.

now is come, and affords silence for sleep, and ye dogs, and birds with your various tints, are still; at that hour rises the person who bears in mind the ancient ceremonial, and stands in awe of the Gods; his two feet have no sandals on them,[1] and he makes a noise with his fingers clasped in each other with his thumb in the middle, for fear lest the aërial spectre should meet him if silent. After he has washed his hands clean in the water of the spring, he turns round, and first he takes up the black beans;[2] with his face turned away, he flings them; but while he flings them, he says, "I offer these; with these beans do I ransom myself and mine." Nine times[3] does he say this, and looks not behind him. The ghost is believed to gather them, and to follow behind if no one is looking on. A second time he touches the water and tinkles the copper of Temesa, and begs the ghost to leave his house. When nine times he has repeated, "Shades of my father! depart," he looks back, and believes that his rites are duly performed. Whence the day was called, or what is the origin of the name, is unknown to me; from some God it must be learned.

197. Ritual for the Caristia[4]

The festival of the Caristia on May 22, as described by Ovid, was a reunion of the living members of the family after they had paid their duties to the dead.

The kinsfolk, full of affection, have named the next day the Caristia,[5] and the company of relations assemble at the family feast. In good truth, it is a pleasant thing to turn our attention from the tombs and our relatives who are dead, to those who survive; and after so many are lost, to see all that remains of our family, and to reckon the degrees of relationship. Let the guiltless come; far, far hence be the unnatural brother, and the mother cruel to her own offspring; the son for whom the father is

[1] The feet must be bare for the proper performance of magical rites.

[2] No satisfactory explanation of the use of beans in ghost riddance has been offered.

[3] Nine was a lucky or sacred number.

[4] Ovid, *Fasti*, ii, 617–638. H. T. Riley, *The Fasti . . . of Ovid*, London, 1851–1852, pp. 74–75. G. Bell and Sons, Ltd.

[5] Latin *carus*, "dear."

too long-lived, and he who counts his mother's years; the cruel mother-in-law, too, who hates and oppresses her daughter-in-law. . . . Offer the frankincense to the propitious Gods of the family: Concord is said on this day to be present with extreme benignity; offer, too, a share of the viands, that the presented platter, testimony of the pleasing honour, may feed the well-girt Lares.[1] And now when night, far advanced, shall invite you to balmy slumbers, when ye are about to pray, take wine in abundance in your hand, and say, "Well may it be with us, and well with thee, most excellent Cæsar, father of thy country," the wine being poured forth as you repeat the holy words.

198. A Prayer to Pales [2]

Pales was the Italian goddess of shepherds. Ovid preserves the following prayer addressed to her at her festival of the Palilia on April 21.

Protect thou, alike, the cattle and those who tend the cattle, and let all harm fly afar, repelled from my stalls. Whether I have fed them on holy ground, or whether I have seated myself beneath a sacred tree, or whether any ewe of mine, unknown to me, has browsed on the grass growing over the graves, or whether I have trespassed on a grove forbidden to be entered, or whether the Nymphs have been scared away by my gaze, or whether the God, half goat in form, or whether my knife has despoiled a sacred grove of its shady bough, from which the bundle of leaves has been given by me to my ailing ewe, do thou grant pardon to my error; nor be it cause of evil to me, if, while the hail was pouring down, I have sheltered my flock within the rustic fane; nor be it a cause of harm to me that I have disturbed the waters of the ponds. Pardon me, ye Nymphs, if at any time the motion of the hoof has rendered turbid the streams. Do thou, Goddess, for me, appease the fountains and the Deities of the fountains; do thou propitiate the Gods that are dispersed throughout all the groves. Far be it from us to look upon the Dryades, or to

[1] The center of the worship at this festival.

[2] Ovid, *Fasti*, iv, 747–776. H. T. Riley, *The Fasti . . . of Ovid*, London, 1851–1852, pp. 166–167. G. Bell and Sons, Ltd.

behold the bathing places of Diana,[1] or Faunus, while at mid-day he treads the fields. Drive disease afar; let both men and flocks enjoy the blessing of health; let, too, the dogs enjoy health, that watchful race. Let me not drive home my sheep fewer than they were in the morning; nor let me grieve as I bring home the fleeces which alone I have recovered from the wolf. Let evil hunger be afar; let grass and leaves be in abundance, and water, both to lave the limbs and to serve for the purpose of drinking. May it be my lot to press the full udders; may my cheeses bring me money home, and may the twigs, as they lie far apart in the sieve, give a passage to the liquid whey; . . . and may there be many a lamb in my sheep-folds: may wool, too, be produced that will hurt none of my damsels, soft, and suited to even the tenderest hands. Let that happen which I pray for, and may we, at the close of the year, offer cakes of goodly size to Pales, the mistress of the shepherds.[2]

199. Tutelary Deities of Husbandmen [3]

The encyclopædic Varro, who wrote a treatise on agriculture toward the close of the first century B.C., preserves the text of the following invocation to the gods and goddesses worshiped particularly by farmers.

First in order, then, I call upon Jupiter and Tellus, who by means of the sky and land maintain the various fruits of farming, and this is the reason why — as they are said to be the universal parents — Jupiter is addressed as "Father Jove," and Tellus as "Mother Earth." Next the Sun and Moon, whose seasons are observed for the sowing and garnering of the crops. Thirdly Ceres and Liber, as the fruits they send are specially necessary for subsistence: for it is through them that food and drink come from the farm. Fourthly Robigus and Flora, for by their grace blight does not ruin the various grains and trees, and these flourish in due season. For which cause the State appointed the festival of the Robigalia,[4] in honour of Robigus, and for Flora

[1] Those who came where the nymphs were bathing immediately lost their reason.

[2] This prayer was to be recited four times.

[3] Varro, *De re rustica*, i, 1, 5–6. Lloyd Storr-Best, *Varro on Farming*, London, 1912, pp. 2–4. G. Bell and Sons, Ltd.

[4] April 25.

the games known as Floralia.[1] And likewise I pay my respects to Minerva and Venus, the one of whom watches over the olive orchards, the other over gardens. It is in honour of the latter that the festival of the "Country Vinalia" [2] was instituted. And finally I pray to Lympha and Good Speed, since without water all husbandry is dry and stingy work, and without good luck and good speed it is a delusion and a snare.

200. Religious Associations of Rome [3]

After the burning of Rome by the Gauls in 390 B.C. (the traditional date) it was proposed to abandon the ruins of the city and to migrate to the site of Veii, twelve miles distant. Livy preserves the speech which Camillus is said to have delivered in opposition to the proposal. The speech may well be entirely apocryphal, but the Roman historian who reports it shows deep insight into the religious principles underlying the history of his country.

When you see such momentous consequences for human affairs flowing from the worship or the neglect of the gods, do you not realise, Quirites, how great a sin we are meditating whilst hardly yet emerging from the shipwreck caused by our former guilt and fall? We possess a City which was founded with the divine approval as revealed in auguries and auspices; in it there is not a spot which is not full of religious associations and the presence of a god; the regular sacrifices have their appointed places no less than they have their appointed days. Are you, Quirites, going to desert all these gods — those whom the State honours, those whom you worship, each at your own altars? How far does your action come up to that of the glorious youth C. Fabius, during the siege, which was watched by the enemy with no less admiration than by you, when he went down from the Citadel through the missiles of the Gauls and celebrated the appointed sacrifice of his house on the Quirinal? Whilst the sacred rites of the patrician houses are not interrupted even in time of war, are you content to see the State offices of

[1] April 28–May 2.

[2] August 19.

[3] Livy, v, 52. W. M. Roberts, *The History of Rome by Titus Livius*, London, 1912–1924, vol. i, pp. 348–349. J. M. Dent and Sons, Ltd.

religion and the gods of Rome abandoned in a time of peace? Are the Pontiffs and Flamens to be more neglectful of their public functions than a private individual is of the religious obligations of his house?

Some one may possibly reply that we can either discharge these duties at Veii or send priests to discharge them here. But neither of these things can be done if the rites are to be duly performed. Not to mention all the ceremonies or all the deities individually, where else, I would ask, but in the Capitol can the couch of Jupiter be prepared on the day of his festal banquet? What need is there for me to speak about the perpetual fire of Vesta, and the Image — the pledge of our dominion — which is in the safe keeping of her temple? And you, Mars Gradivus, and you, Father Quirinus, what need to speak of your sacred shields? Is it your wish that all these holy things, coëval with the City, some of even greater antiquity, should be abandoned and left on unhallowed soil? See, too, how great the difference between us and our ancestors. They left to us certain rites and ceremonies which we can only duly perform on the Alban Mount or at Lavinium. If it was a matter of religion that these rites should not be transferred from cities which belonged to an enemy to us at Rome, shall we transfer them from here to the enemies' city, Veii, without offending heaven? . . .

We are speaking about the temples and the sacred rites and ceremonies. But what, pray, about the priests? Do you not realise what a heinous sin will be committed? For the Vestals surely there is only that one abode, from which nothing has ever removed them but the capture of the City. The Flamen of Jupiter is forbidden by divine law to stay a single night outside the City.[1] Are you going to make these functionaries priests of Veii instead of priests of Rome? Will thy Vestals desert thee, Vesta? Is the Flamen to bring fresh guilt upon himself and the State for every night he sojourns abroad? Think of the other proceedings which, after the auspices have been duly taken, we conduct almost entirely within the City boundaries —

[1] One of the many religious restrictions to which the priest of Jupiter (Flamen Dialis) was subjected.

to what oblivion, to what neglect are we consigning them! The Assembly of the Curies, which confers the supreme command, the Assembly of the Centuries, in which you elect the consuls and consular tribunes — where can they be held and the auspices taken except where they are wont to be held? Shall we transfer these to Veii, or are the people, when an Assembly is to be held, to meet at vast inconvenience in this City after it has been deserted by gods and men?

201. The Centenary Festival under Augustus [1]

The first celebration of the "Secular Games" (*Ludi sæculares*) for which there is actual evidence occurred in 249 B.C., by direction of the Sibylline Books. According to the vow then made they were to be repeated at the end of every *sæculum*, or period of one hundred years. Augustus revived them in new and magnificent form in 17 B.C., the year that closed the first decade of his peaceful rule. Horace, whose preëminent art was now recognized, served as their poet laureate. His *Secular Hymn*, a most successful poem of occasion, was sung on the third and last day of the festival by a choir of noble youths and maidens on the Palatine and on the Capitoline.

O Phœbus, and Diana, queen of forests, radiant glory of the heavens, O ye ever cherished and ever to be cherished, grant the blessings that we pray for at the holy season when the verses of the Sibyl have commanded chosen maidens and spotless youths to sing the hymn in honour of the gods who love the Seven Hills.

O quickening Sun,[2] that in thy shining car usherest in the day and hidest it, and art reborn another and yet the same, ne'er mayest thou be able to view aught greater than the city of Rome!

O Ilithyia,[3] that, according to thy office, art gracious to bring issue in due season, protect our matrons, whether thou preferrest to be invoked as "Lucina" or as "Genitalis." Rear up our youth, O goddess, and bless the Fathers' edicts concerning wedlock and the marriage-law, destined, we pray, to be prolific in

[1] Horace, *Carmen Sæculare*. C. E. Bennett, *Horace; the Odes and Epodes*, London, 1914, pp. 351–357. William Heinemann, Ltd.

[2] Apollo as the sun god.

[3] Goddess of childbirth, identified with Diana.

new offspring, that the sure cycle of ten times eleven years [1] may bring round again music and games thronged on three days and as many gladsome nights!

And ye, O Fates, truthful in foretelling what once for all has been ordained, and what the unyielding order of events confirms, link happy destinies to those already past.

Bountiful in crops and cattle, may Mother Earth deck Ceres with a crown of corn; and may Jove's wholesome rains and breezes give increase to the harvest!

Do thou, Apollo, gracious and benign, put aside thy weapon and give ear to thy suppliant sons! And do thou, O Luna, the constellations' crescent queen to the maidens lend thine ear!

If Rome be your handiwork, and if from Ilium hailed the bands that gained the Tuscan shore (the remnant bidden to change their homes and city in auspicious course), they for whom righteous Æneas, survivor of his country, unscathed 'mid blazing Troy, prepared a way to liberty, destined to bestow more than had been left behind, — then do ye, O gods, make teachable our youth and grant them virtuous ways; to the aged give tranquil peace; and to the race of Romulus, riches and offspring and every glory!

And what the glorious scion of Anchises and of Venus, with sacrifice of milk-white steers, entreats of you, that may he obtain, triumphant o'er the warring foe, but generous to the fallen! Already the Parthian fears the hosts mighty on land and sea, and fears the Alban axes. Already the Indians and Scythians, but recently disdainful, are asking for our answer. Already Faith and Peace and Honour and ancient Modesty and neglected Virtue have courage to come back, and blessèd Plenty with her full horn is seen.

May Phœbus, the prophet, who goes adorned with the shining bow, who is dear to the Muses nine, and with his healing art relieves the body's weary frame — may he, if he looks with favour on the altars of the Palatine, prolong the Roman power and Latium's prosperity to cycles ever new and ages ever better!

[1] Roman antiquarians differed as to whether 110 or 100 years was the correct number. Augustus preferred the former figure, but subsequent emperors the latter.

And may Diana, who holds Aventine [1] and Algidus,[2] heed the entreaty of the Fifteen Men [3] and incline her gracious ears to the children's prayers! That such is the purpose of Jove and all the gods, we bear home the good and steadfast hope, we the chorus trained to hymn the praises of Phœbus and Diana.

[1] Diana's chief temple in Rome was on the Aventine.
[2] The temple of Diana Nemorensis on the ridge of Algidus.
[3] The sacred college of the Quindecemviri in charge of the Sibylline Books.

PART III
MEDIEVAL EUROPE

SECTION XIII

EARLY CHRISTIANITY

202. The Beatitudes [1]

The four Gospels are no more than an indirect basis of information for the life and teachings of Jesus. All of them were written long after the events which they record; in the case of the Synoptic Gospels, Matthew, Mark, and Luke, sometime during the latter part of the first century, in the case of John possibly not until the beginning of the second century. That Mark was composed first and that it formed a source, though not the only source, of Matthew and Luke, seems to be thoroughly established by modern historical criticism. That there were still older sources behind the Gospels, Mark included, may also be considered certain. The Sermon on the Mount, though not appearing in Mark's narrative, is reported by Matthew and Luke, and by both evangelists is assigned to the early Galilean mission of Jesus. This epitome of Jesus' teaching (*St. Matthew*, v–vii, *St. Luke*, vi, 20–49) is introduced by the Beatitudes.

And seeing the multitudes, he went up into the mountain: and when he had sat down, his disciples came unto him: and he opened his mouth and taught them, saying,

Blessed are the poor in spirit: for theirs is the kingdom of heaven.

Blessed are they that mourn: for they shall be comforted.

Blessed are the meek: for they shall inherit the earth.

Blessed are they that hunger and thirst after righteousness: for they shall be filled.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the pure in heart, for they shall see God.

Blessed are the peacemakers: for they shall be called sons of God.

Blessed are they that have been persecuted for righteousness' sake: for theirs is the kingdom of heaven.

Blessed are ye when men shall reproach you, and persecute you, and say all manner of evil against you falsely, for my sake.

[1] *St. Matthew*, v, 1–12.

Rejoice and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets that were before you.

203. Injunctions of Jesus to the Apostles [1]

According to the testimony of all the evangelists Jesus formed a body of twelve disciples, or apostles, out of a larger company of followers.

And he called unto him his twelve disciples, and gave them authority over unclean spirits, to cast them out, and to heal all manner of disease and all manner of sickness.

Now the names of the twelve apostles are these: The first, Simon, who is called Peter, and Andrew his brother; James the son of Zebedee, and John his brother; Philip, and Bartholomew; Thomas, and Matthew the publican; James the son of Alphæus, and Thaddæus; Simon the Cananæan, and Judas Iscariot, who also betrayed him. These twelve Jesus sent forth, and charged them, saying,

Go not into any way of the Gentiles, and enter not into any city of the Samaritans: but go rather to the lost sheep of the house of Israel. And as ye go, preach, saying, The kingdom of heaven is at hand. Heal the sick, raise the dead, cleanse the lepers, cast out demons: freely ye received, freely give. Get you no gold, nor silver, nor brass in your purses; no wallet for your journey, neither two coats, nor shoes, nor staff, for the labourer is worthy of his food. And into whatsoever city or village ye shall enter, search out who in it is worthy; and there abide till ye go forth. And as ye enter into the house, salute it. And if the house be worthy, let your peace come upon it: but if it be not worthy, let your peace return to you. And whosoever shall not receive you, nor hear your words, as ye go forth out of that house or that city, shake off the dust of your feet. Verily I say unto you, It shall be more tolerable for the land of Sodom and Gomorrah in the day of judgment, than for that city.

Behold, I send you forth as sheep in the midst of wolves: be ye therefore wise as serpents, and harmless as doves. But beware of men: for they will deliver you up to councils, and in their

[1] *St. Matthew*, x, 1–23.

synagogues they will scourge you; yea and before governors and kings shall be ye brought for my sake, for a testimony to them and to the Gentiles. But when they deliver you up, be not anxious how or what ye shall speak: for it shall be given you in that hour what ye shall speak. For it is not ye that speak, but the Spirit of your Father that speaketh in you. And brother shall deliver up brother to death, and the father his child: and children shall rise up against parents, and cause them to be put to death. And ye shall be hated of all men for my name's sake: but he that endureth to the end, the same shall be saved. But when they persecute you in this city, flee into the next: for verily I say unto you, Ye shall not have gone through the cities of Israel, till the Son of man be come.

204. The Logos [1]

The Greek term *logos* appears in the Septuagint version of the Old Testament as the translation of the Hebrew *memra*, the creative and directive word of Jehovah manifest in the world. Philo of Alexandria, who sought to fuse Hebraic theology and Hellenic philosophy, identified the "word of Jehovah" with Platonic, Aristotelian, and especially Stoic speculations as to the divine reason immanent in the cosmic process. The author of the Fourth Gospel, writing under the influence of Alexandrian thought, declared the Logos to be incarnate in the historical Jesus. This new and distinctively Christian doctrine, after elaboration by later theologians, received formulation in the creeds, but the term "Son," rather than Logos, was employed as the name of the second person of the Trinity.

In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made through him; and without him was not anything made that hath been made. In him was life; and the life was the light of men. And the light shineth in the darkness; and the darkness apprehended it not. There came a man, sent from God, whose name was John.[2] The same came for witness, that he might bear witness of the light, that all might believe through him. He was not the light, but came that he might

[1] *St. John*, i, 1–14.

[2] John the Baptist.

bear witness of the light. There was the true light, even the light which lighteth every man, coming into the world. He was in the world, and the world was made through him, and the world knew him not. He came unto his own, and they that were his own received him not. But as many as received him, to them gave he the right to become children of God, even to them that believe on his name: who were born, not of blood, nor of the will of the flesh, nor of the will of man, but of God. And the Word became flesh, and dwelt among us (and we beheld his glory, glory as of the only begotten from the Father), full of grace and truth.

205. The "Unknown God" [1]

St. Paul's visit to Athens (*c.* 52) seems to have had no permanent results. Educated Greeks, whether at Athens or elsewhere, did not accept Christianity until long afterward, when it had taken over certain philosophical elements and had become, not only a religion, but also a theology.

Now while Paul waited for them at Athens, his spirit was provoked within him, as he beheld the city full of idols. So he reasoned in the synagogue with the Jews and the devout persons, and in the market-place every day with them that met with him. And certain also of the Epicurean and Stoic philosophers encountered him. And some said, "What would this babbler say?" others, "He seemeth to be a setter forth of strange gods": because he preached Jesus and the resurrection. And they took hold of him, and brought him unto the Areopagus,[2] saying, "May we know what this new teaching is, which is spoken by thee? For thou bringest certain strange things to our ears: we would know therefore what these things mean." (Now all the Athenians and the strangers sojourning there spent their time in nothing else, but either to tell or to hear some new thing.) And Paul stood in the midst of the Areopagus, and said,

"Ye men of Athens, in all things I perceive that ye are very religious. For as I passed along, and observed the objects of

[1] *Acts*, xvii, 16–34.

[2] An outlying spur of the Acropolis.

your worship, I found also an altar with this inscription, TO AN UNKNOWN GOD.[1] What therefore ye worship in ignorance, this I set forth unto you. The God that made the world and all things therein, he, being Lord of heaven and earth, dwelleth not in temples made with hands; neither is he served by men's hands, as though he needed any thing, seeing he himself giveth to all life, and breath, and all things; and he made of one every nation of men to dwell on all the face of the earth, having determined their appointed seasons, and the bounds of their habitation; that they should seek God, if haply they might feel after him, and find him, though he is not far from each one of us: for in him we live, and move, and have our being; as certain even of your own poets have said, 'For we are also his offspring.'[2] Being then the offspring of God, we ought not to think that the Godhead is like unto gold, or silver, or stone, graven by art and device of man. The times of ignorance therefore God overlooked; but now he commandeth men that they should all everywhere repent; inasmuch as he hath appointed a day, in which he will judge the world in righteousness by the man whom he hath ordained; whereof he hath given assurance unto all men, in that he hath raised him from the dead."

Now when they heard of the resurrection of the dead, some mocked; but others said, "We will hear thee concerning this yet again." Thus Paul went out from among them. But certain men clave unto him, and believed: among whom also was Dionysius the Areopagite,[3] and a woman named Damaris, and others with them.

206. Christian Love [4]

From Athens St. Paul went to Corinth, the capital of the Roman province of Achæa and a great commercial metropolis. The converts

[1] That the Athenians erected altars to deities whose names or whose personalities were unknown is attested by classical authorities. There was also an altar to unknown gods at Olympia.

[2] Aratus, *Phænomena*, 5. This is the only passage of pagan literature quoted in the Bible. A very similar passage occurs in the *Hymn of Cleanthes*.

[3] A member of the Council of the Areopagus.

[4] 1 *Corinthians*, xiii.

whom he made there seem to have been mostly Gentiles, the majority belonging to the lowest classes: the " foolish," the " weak," the "base," and the " despised " (1 *Corinthians*, i, 27–28). Two of his *Epistles* were addressed to this community of humble believers.

If I speak with the tongues of men and of angels, but have not love, I am become sounding brass, or a clanging cymbal. And if I have the gift of prophecy, and know all mysteries and all knowledge; and if I have all faith, so as to remove mountains, but have not love, I am nothing. And if I bestow all my goods to feed the poor, and if I give my body to be burned, but have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not its own, is not provoked, taketh not account of evil; rejoiceth not in unrighteousness, but rejoiceth with the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never faileth: but whether there be prophecies, they shall be done away; whether there be tongues, they shall cease; whether there be knowledge, it shall be done away. For we know in part, and we prophesy in part; but when that which is perfect is come, that which is in part shall be done away. When I was a child, I spake as a child, I felt as a child, I thought as a child: now that I am become a man, I have put away childish things. For now we see in a mirror, darkly; but then face to face: now I know in part; but then shall I know fully even as also I was fully known. But now abideth faith, hope, love, these three; and the greatest of these is love.

207. Social Teachings of St. Paul [1]

St. Paul's missionary activity for more than thirty years led to the establishment of churches in Asia Minor, Greece, Macedonia, and Italy. To many of these churches he wrote the *Epistles* which have found a place in the New Testament.

Wives, be in subjection unto your own husbands, as unto the Lord. For the husband is the head of the wife, as Christ also is the head of the church, being himself the saviour of the

[1] *Ephesians*, v, 22–33, vi, 1–9.

body. But as the church is subject to Christ, so let the wives also be to their husbands in everything. Husbands, love your wives, even as Christ also loved the church, and gave himself up for it; that he might sanctify it, having cleansed it by the washing of water with the word, that he might present the church to himself a glorious church, not having spot or wrinkle or any such thing; but that it should be holy and without blemish. Even so ought husbands also to love their own wives as their own bodies. He that loveth his own wife loveth himself; for no man ever hated his own flesh; but nourisheth and cherisheth it, even as Christ also the church; because we are members of his body. For this cause shall a man leave his father and mother, and shall cleave to his wife; and the two shall become one flesh. This mystery is great: but I speak in regard of Christ and of the church. Nevertheless do ye also severally love each one his own wife even as himself; and let the wife see that she fear her husband.

Children, obey your parents in the Lord: for this is right. Honor thy father and mother (which is the first commandment with promise), that it may be well with thee, and thou mayest live long on the earth. And, ye fathers, provoke not your children to wrath: but nurture them in the chastening and admonition of the Lord.

Servants, be obedient unto them that according to the flesh are your masters, with fear and trembling, in singleness of your heart, as unto Christ; not in the way of eyeservice, as men-pleasers; but as servants of Christ, doing the will of God from the heart; with good will doing service, as unto the Lord, and not unto men; knowing that whatsoever good thing each one doeth, the same shall he receive again from the Lord, whether he be bond or free. And, ye masters, do the same things unto them, and forbear threatening: knowing that he who is both their Master and yours is in heaven, and there is no respect of persons with him.

208. Church Rites [1]

The *Didache*, or *Teaching of the Twelve Apostles*, is a brief manual of instruction for Christian converts, by an unknown author. It does not claim to have been actually composed by the Apostles, but only to set forth their teaching. The book had long been lost, until a manuscript of it was discovered in 1875 in a library at Constantinople. Patristic scholars pretty generally ascribe it to the second century, perhaps to the very beginning of that century. If an early date be accepted, the *Didache* becomes a most valuable source of information for the constitution of the primitive Church.

Concerning baptism, baptise thus: Having first rehearsed all these things, "baptise, in the Name of the Father and of the Son and of the Holy Spirit," in running water; but if thou hast no running water, baptise in other water, and if thou canst not in cold, then in warm. But if thou hast neither, pour water three times on the head "in the Name of the Father, Son and Holy Spirit." [2] And before the baptism let the baptiser and him who is to be baptised fast, and any others who are able. And thou shalt bid him who is to be baptised to fast one or two days before.

Let not your fasts be with the hypocrites, for they fast on Mondays and Thursdays, but do you fast on Wednesdays and Fridays. And do not pray as the hypocrites, but as the Lord commanded in his Gospel, pray thus: "Our Father, who art in Heaven, hallowed be thy Name, thy Kingdom come, thy will be done, as in Heaven so also upon earth; give us to-day our daily bread, and forgive us our debt as we forgive our debtors, and lead us not into trial, but deliver us from the Evil One, for thine is the power and the glory for ever." Pray thus three times a day.

And concerning the Eucharist, hold Eucharist thus: First concerning the Cup, "We give thanks to thee, our Father, for the Holy Vine of David thy child, which thou didst make known to us through Jesus thy child; to thee be glory for ever." And concerning the broken Bread: "We give thee thanks, our Father, for the life and knowledge which thou didst make known

[1] *Didache*, 7–9, 14–15. Kirsopp Lake, *The Apostolic Fathers*, London, 1912, vol. i, pp. 319–323, 331. William Heinemann, Ltd.

[2] This passage contains the earliest mention of affusion in Christian literature.

to us through Jesus thy child. To thee be glory for ever. As this broken bread was scattered upon the mountains, but was brought together and became one, so let thy Church be gathered together from the ends of the earth into thy kingdom, for thine is the glory and the power through Jesus Christ for ever." But let none eat or drink of your Eucharist except those who have been baptised in the Lord's Name. For concerning this also did the Lord say, "Give not that which is holy to the dogs." [1] . . .

On the Lord's Day of the Lord [2] come together, break bread and hold Eucharist, after confessing your transgressions that your offering may be pure; but let none who has a quarrel with his fellow join in your meeting until they be reconciled, that your sacrifice be not defiled. For this is that which was spoken by the Lord, "In every place and time offer me a pure sacrifice, for I am a great king," saith the Lord, "and my name is wonderful among the heathen." [3]

Appoint therefore for yourselves bishops and deacons worthy of the Lord, meek men, and not lovers of money, and truthful and approved, for they also minister to you the ministry of the prophets and teachers. Therefore do not despise them, for they are your honourable men together with the prophets and teachers.

And reprove one another not in wrath but in peace as you find in the Gospel, and let none speak with any who has done a wrong to his neighbour, nor let him hear a word from you until he repents. But your prayers and alms and all your acts perform as ye find in the Gospel of our Lord.

209. Sunday [4]

Justin Martyr's *First Apology*, a work addressed to non-Christians, was written probably about the middle of the second century. The following account of the observance of Sunday is extracted from his general description of early Christian worship.

[1] *St. Matthew*, vii, 6.
[2] Or, "the Lord's own day," *i.e.*, the first day of the week.
[3] *Malachi*, i, 11, 14.
[4] Justin Martyr, *Apologia prima*, 67; *Ante-Nicene Fathers*, vol. i, pp. 185–186.

And we afterwards continually remind each other of these things. And the wealthy among us help the needy; and we always keep together; and for all things wherewith we are supplied, we bless the Maker of all through His Son Jesus Christ, and through the Holy Ghost. And on the day called Sunday,[1] all who live in cities or in the country gather together to one place, and the memoirs of the apostles or the writings of the prophets are read, as long as time permits; then, when the reader has ceased, the president verbally instructs, and exhorts to the imitation of these good things. Then we all rise together and pray, and, as we before said, when our prayer is ended, bread and wine and water are brought, and the president in like manner offers prayers and thanksgivings, according to his ability, and the people assent, saying Amen; and there is a distribution to each, and a participation of that over which thanks have been given,[2] and to those who are absent a portion is sent by the deacons. And they who are well-to-do, and willing, give what each thinks fit; and what is collected is deposited with the president, who succours the orphans and widows, and those who, through sickness or any other cause, are in want, and those who are in bonds, and the strangers sojourning among us, and in a word takes care of all who are in need. But Sunday is the day on which we all hold our common assembly, because it is the first day on which God, having wrought a change in the darkness and matter, made the world; and Jesus Christ our Saviour on the same day rose from the dead. For He was crucified on the day before that of Saturn; [3] and on the day after that of Saturn, which is the day of the Sun, having appeared to His apostles and disciples, He taught them these things, which we have submitted to you also for your consideration.

[1] Since Justin is writing for non-Christians he naturally uses the pagan designation "Sunday" (*dies solis*), instead of the Christian "Lord's Day" (*dies dominica*).

[2] *I.e.*, the eucharistic elements.

[3] *I.e.*, on Friday (*dies Veneris*). Justin uses this circumlocution because, as a Christian, he abhorred the very name of Venus.

210. The New Testament Canon [1]

The great *Ecclesiastical History* of Eusebius of Cæsarea was published in its final form in 324 or 325. By that time the Eastern Church, whose judgment Eusebius reflects, had determined what New Testament works were to be accepted as canonical.

Since we are dealing with this subject it is proper to sum up the writings of the New Testament which have been already mentioned. First then must be put the holy quaternion of the Gospels; following them the Acts of the Apostles. After this must be reckoned the epistles of Paul; next in order the extant former epistle of John, and likewise the epistle of Peter, must be maintained. After them is to be placed, if it really seem proper, the Apocalypse of John, concerning which we shall give the different opinions at the proper time. These then belong among the accepted writings. Among the disputed writings, which are nevertheless recognized by many, are extant the so-called epistle of James and that of Jude, also the second epistle of Peter, and those that are called the second and third of John, whether they belong to the evangelist or to another person of the same name. Among the rejected writings must be reckoned also the Acts of Paul, and the so-called Shepherd,[2] and the Apocalypse of Peter, and in addition to these the extant epistle of Barnabas, and the so-called Teachings of the Apostles;[3] and besides, as I said, the Apocalypse of John, if it seems proper, which some, as I said, reject, but which others class with the accepted books. And among these some have placed also the Gospel according to the Hebrews, with which those of the Hebrews that have accepted Christ are especially delighted.[4] And all these may be reckoned among the disputed books.

[1] Eusebius, *Historia ecclesiastica*, iii, 25; *Nicene and Post-Nicene Fathers* (Second Series), vol. i, pp. 155–157. Translated by A. C. McGiffert.

[2] The *Shepherd* (*Pastor*) of Hermas.

[3] The *Didache*

[4] A divergent yet not heretical form of St. Matthew's Gospel; now known only in fragments.

211. St. Jerome's Preface to His Translation of the Gospels [1]

The massive scholarship of St. Jerome enabled him to produce a complete Latin translation of the Bible, which became in time the Vulgate or authorized version. His critical attitude toward the received texts may be judged from the preface to his translation of the four Gospels. It is addressed to Jerome's patron, Pope Damasus, and is dated 383.

You urge me to revise the old Latin version and, as it were, to sit in judgment on the copies of the Scriptures which are now scattered throughout the whole world; and, inasmuch as they differ from one another, you would have me decide which of them agree with the Greek original. The labour is one of love, but at the same time both perilous and presumptuous; for in judging others I must be content to be judged by all; and how can I dare to change the language of the world in its hoary old age, and carry it back to the early days of its infancy? Is there a man, learned or unlearned, who will not, when he takes the volume into his hands, and perceives that what he reads does not suit his settled tastes, break out immediately into violent language, and call me a forger and a profane person for having the audacity to add anything to the ancient books, or to make any changes or corrections therein?

Now there are two consoling reflections which enable me to bear the odium — in the first place, the command is given by you who are the supreme bishop; and secondly, even on the showing of those who revile us, readings at variance with the early copies cannot be right. For if we are to pin our faith to the Latin texts, it is for our opponents to tell us *which;* for there are almost as many forms of texts as there are copies. If, on the other hand, we are to glean the truth from a comparison of *many*, why not go back to the original Greek and correct the mistakes introduced by inaccurate translators, and the blundering alterations of confident but ignorant critics, and, further, all that has been inserted or changed by copyists more asleep than awake?

[1] *Nicene and Post-Nicene Fathers* (Second Series), vol. vi, pp. 487–488. Translated by W. H. Fremantle.

I am not discussing the Old Testament, which was turned into Greek by the Seventy elders, and has reached us by a descent of three steps.[1] . . . I am willing to let that be the true translation which had apostolic approval.[2] I am now speaking of the New Testament. This was undoubtedly composed in Greek, with the exception of the work of Matthew the Apostle, who was the first to commit to writing the Gospel of Christ, and who published his work in Judæa in Hebrew characters. We must confess that as we have it in our language it is marked by discrepancies, and now that the stream is distributed into different channels we must go back to the fountainhead. I pass over those manuscripts which are associated with the names of Lucian and Hesychius, and the authority of which is perversely maintained by a handful of disputatious persons. It is obvious that these writers could not amend anything in the Old Testament after the labours of the Seventy; and it was useless to correct the New, for versions of Scripture which already exist in the languages of many nations show that their additions are false. I therefore promise in this short Preface the four Gospels only, which are to be taken in the following order, Matthew, Mark, Luke, John, as they have been revised by a comparison of the Greek manuscripts. Only early ones have been used. But to avoid any great divergences from the Latin which we are accustomed to read, I have used my pen with some restraint, and while I have corrected only such passages as seemed to convey a different meaning, I have allowed the rest to remain as they are.

212. Primacy of Rome [3]

The first appearance of the appeal to apostolic tradition, in support of the headship of the Roman see, is this famous and much discussed passage from Irenæus. A native of Asia Minor, Irenæus was, according to his own statement, a disciple of Polycarp and of other presbyters "who had seen John, the disciple of the Lord" (*Adv. hær*, ii, 22, 5). He lived for some time in Rome and became bishop of Lyons in 177. His great work, *Against the Heresies*, was written in the next decade,

[1] *I.e.*, after being translated from Hebrew into Greek and from Greek into Latin.

[2] *I.e.*, the Septuagint.

[3] Irenæus, *Adversus hæreses*, iii, 3, 2–3; *Ante-Nicene Fathers*, vol. i, pp. 415–416.

during his incumbency of the bishopric. It is extant as a whole only in a Latin translation of the Greek original.

Since, however, it would be very tedious, in such a volume as this, to reckon up the successions [1] of all the Churches, we do put to confusion all those who, in whatever manner, whether by an evil self-pleasing, by vainglory, or by blindness and perverse opinion, assemble in unauthorized meetings; we do this, I say, by indicating that tradition derived from the apostles, of the very great, the very ancient, and universally known Church founded and organized at Rome by the two most glorious apostles, Peter and Paul; as also by pointing out the faith preached to men, which comes down to our time by means of the successions of the bishops. For it is a matter of necessity that every Church should agree with this Church, on account of its preëminent authority, that is, the faithful everywhere, inasmuch as the apostolical tradition has been preserved continuously by those faithful men who exist everywhere.[2]

The blessed apostles, then, having founded and built up the Church, committed into the hands of Linus the office of the episcopate. Of this Linus, Paul makes mention in the Epistles to Timothy.[3] To him succeeded Anacletus;[4] and after him, in the third place from the apostles, Clement was allotted the bishopric. This man, as he had seen the blessed apostles, and had been conversant with them, might be said to have the preaching of the apostles still echoing in his ears, and their traditions before his eyes. Nor was he alone in this, for there were many still remaining who had received instructions from the apostles. In the time of this Clement, no small dissension having occurred among the brethren at Corinth, the Church in Rome despatched a most powerful letter to the Corinthians, exhorting them to peace, renewing their faith, and declaring the tradition which it had lately received from the apostles. . . . To this Clement there succeeded Evaristus. Alexander followed

[1] *I.e.*, series of bishops.

[2] The Greek text of this important passage has been lost, and scholars are not agreed upon the correct rendering of the Latin translation.

[3] 2 *Timothy*, iv, 21.

[4] Cletus.

Evaristus; then, sixth from the apostles, Sixtus was appointed; after him Telephorus,[1] who was gloriously martyred; then Hyginus; after him, Pius; then after him, Anicetus. Soter having succeeded Anicetus, Eleutherius does now,[2] in the twelfth place from the apostles, hold the inheritance of the episcopate. In this order, and by this succession, the ecclesiastical tradition from the apostles, and the preaching of the truth, have come down to us. And this is most abundant proof that there is one and the same vivifying faith, which has been preserved in the Church from the apostles until now, and handed down in truth.[3]

213. The Apostolic Succession [4]

Tertullian, presbyter at Carthage, who was evidently acquainted with the writings of Irenæus, elaborated the latter's argument that the churches founded by the Apostles are the sole depositaries of Christian truth. The book *On the Prescription of Heretics*, one of Tertullian's many anti-heretical works, was composed about 200.

But if any heresies dare to plant themselves in Apostolic times, so as to be thought thereby to have been handed down by the Apostles, because they existed under the Apostles, we can say: "Let them set forth the earliest beginnings of their Churches; let them unfold the roll of their bishops coming down by succession from the beginning in such a manner that their first bishop had for his ordainer and predecessor one of the Apostles or of those Apostolic men who never deserted the Apostles."

For in this way Apostolic Churches declare their origin: as, for instance, the Church of the Smyrnæans records that Polycarp was placed there by John; and the Roman Church that Clement was ordained thereto by Peter.[5] And exactly in the same way

[1] Telesphorus.

[2] Eleutherius (Eleutherus) was pope from about 175 to 189.

[3] Irenæus must have learned these facts about the early bishops of Rome during his residence in the capital city.

[4] Tertullian, *De præscriptione hæreticorum*, 32. H. T. Bindley, *Tertullian on the Testimony of the Soul and on the "Prescription" of Heretics*, London, 1914, p. 78. Society for Promoting Christian Knowledge.

[5] Linus and Cletus, who according to the papal registers immediately followed Peter, must have died or been martyred almost as soon as appointed.

the rest of the Churches can produce persons who, ordained to the episcopate by Apostles, became transmitters of the Apostolic seed.

214. Unity of the Church [1]

Bishop Cyprian of Carthage, who suffered martyrdom in 258, sets forth clearly the conception of one universal (catholic) Church, membership in which is essential to salvation.

And this unity we ought firmly to hold and assert, especially those of us that are bishops who preside in the Church, that we may also prove the episcopate itself to be one and undivided. Let no one deceive the brotherhood by a falsehood: let no one corrupt the truth of the faith by perfidious prevarication. The episcopate is one, each part of which is held by each one for the whole. The Church also is one, which is spread abroad far and wide into a multitude by an increase of fruitfulness. As there are many rays of the sun, but one light; and many branches of a tree, but one strength based in its tenacious root; and since from one spring flow many streams, although the multiplicity seems diffused in the liberality of an overflowing abundance, yet the unity is still preserved in the source. . . .

The spouse of Christ cannot be adulterous; she is uncorrupted and pure. She knows one home; she guards with chaste modesty the sanctity of one couch. She keeps us for God. She appoints the sons whom she has born for the kingdom. Whoever is separated from the Church and is joined to an adulteress, is separated from the promises of the Church; nor can he who forsakes the Church of Christ attain to the rewards of Christ. He is a stranger; he is profane; he is an enemy. He can no longer have God for his Father, who has not the Church for his mother. If any one could escape who was outside the ark of Noah, then he also may escape who shall be outside of the Church. The Lord warns, saying, "He who is not with me is against me, and he who gathereth not with me scattereth." He who breaks the peace and the concord of Christ, does so in opposition to

[1] Cyprian, *De catholicæ ecclesiæ unitate*, 5–6; *Ante-Nicene Fathers*, vol. v, pp. 422–423. Translated by R. E. Wallis.

Christ; he who gathereth elsewhere than in the Church, scatters the Church of Christ. . . . He who does not hold this unity does not hold God's law, does not hold the faith of the Father and the Son, does not hold life and salvation.

215. The Roman Symbol [1]

One result of the conflict between orthodox Christianity and the heresies of Marcion and the Gnostics was the preparation of brief compends of Christian belief. The following baptismal confession, from which the so-called Apostles' Creed is derived, seems to have been used at Rome at least as early as the middle of the second century. When and where it originated cannot be determined with certainty. It is extant in a Greek text said to have been presented in 341 to Pope Julius by Marcellus, bishop of Ancyra, and also in a Latin text preserved by Rufinus, a priest of Aquileia (d. 410). The baptismal confessions of the other Western churches can be traced back to the Roman Symbol.

I believe in God [the Father [2]] Almighty. And in Christ Jesus, his only Son, our Lord, Who was born of the Holy Ghost and the Virgin Mary, Who was crucified under Pontius Pilate and was buried; And the third day rose again from the dead, He ascended into heaven, And sitteth on the right hand of the Father; From thence he cometh to judge the quick and the dead. And in the Holy Ghost; The Holy Church; The remission of sins; The resurrection of the flesh; [The life everlasting [3]].

216. Creed of Nicæa [4]

The Arian controversy arose out of the efforts of Christian theologians to reconcile the divinity of Christ with monotheism. Arius, an Alexandrian presbyter, who had studied Greek philosophy at Antioch, argued (following Aristotle) that self-existence is the characteristic mark of deity and therefore that the Son, who had been created by the Father, was necessarily inferior to him — was not God. The controversy, which started in Alexandria about 318, soon spread throughout the Near

[1] B. J. Kidd, *Documents Illustrative of the History of the Church*, London, 1920–1923, vol. i, pp. 258–259. Society for Promoting Christian Knowledge.

[2] Omitted by Marcellus; inserted by Rufinus.

[3] Found in Marcellus; but not in Rufinus.

[4] Socrates, *Historia ecclesiastica*, i, 8; *Nicene and Post-Nicene Fathers* (Second Series), vol. ii, p. 10.

East. The emperor Constantine, having failed to compose it by good advice, convoked a general, or œcumenical, council at Nicæa in 325. Three hundred and eighteen bishops, or presbyters delegated by bishops, assembled. Nearly all were Eastern dignitaries; the Latin West was represented by only six ecclesiastics, including two Roman presbyters sent by Pope Sylvester. The emperor presided at the opening session, where he addressed the members, urging them to forget their rancors and join together for the healing of dissension. The theological question which the council threshed out in protracted debates was all-important for the future development of Christianity. It was, in short, the question whether Christianity should continue to be what it had been, a mystery religion, with a god-man at the core of it, or whether it should become a philosophy and system of morals stripped of all religious significance. The creed, as finally drawn up, was based on the creed of the church of Cæsarea, in Palestine, this being carefully revised to guard against the doctrines of Arianism. It was signed by all but three members of the council. There are many Greek versions of it, including the one here quoted from the *Ecclesiastical History* by Socrates. None of the variations in the different texts are important. The creed is to be carefully distinguished from the so-called Nicene Creed (as used in modern liturgies). The latter was not adopted at Nicæa or at any other Church council.

We believe in one God, the Father Almighty, Maker of all things visible and invisible: — and in one Lord Jesus Christ, the Son of God, the only-begotten of [1] the Father, that is of the substance of the Father; God of God and Light of light; true God of true God; begotten, not made, consubstantial [2] with the Father: by whom all things were made, both which are in heaven and on earth: who for the sake of us men, and on account of our salvation, descended, became incarnate, and was made man; suffered, arose again the third day, and ascended into the heavens, and will come again to judge the living and the dead. [We] also [believe] in the Holy Spirit. But the holy Catholic and Apostolic church anathematizes those who say "There was a time when he was not," and "He was not before he was begotten," and "He was made from that which did not exist," and those who assert that he is of other substance or essence than the Father, or that he was created, or is susceptible of change.

[1] The Greek preposition (*ek*) here and in the following clauses means "out of."

[2] The Greek word *homoousios* is here used to define the relation of the Son to the Father.

217. Imperial Edict Imposing the Orthodox Faith [1]

This edict was issued by Gratian, Valentinian, and Theodosius in 380, the year before the Council of Constantinople. As will be seen, the emperors require every one in their dominions to accept the principles of Nicene orthodoxy, under penalty, otherwise, of being treated as heretics.

It is our will that all the peoples whom the government of our clemency rules shall follow that religion which a pious belief from Peter to the present declares the holy Peter delivered to the Romans, and which it is evident the pontiff Damasus [2] and Peter, bishop of Alexandria, a man of apostolic sanctity, follow; that is, that according to the apostolic discipline and evangelical doctrine we believe in the deity of the Father and the Son and the Holy Ghost of equal majesty, in a holy trinity. Those who follow this law we command shall be comprised under the name of Catholic Christians; but others, indeed, we require, as insane and raving, to bear the infamy of heretical teaching; their gatherings shall not receive the name of churches; they are to be smitten first with the divine punishment and after that by the vengeance of our indignation, which has the divine approval.

218. The Constantinopolitanum [3]

The victory at Nicæa had been won by a minority party, which, through sheer strength of clearer Christian thought, forced its views on the majority members. The Latin West, with few exceptions, adhered to the Nicene Symbol, but this did not satisfy the Church as a whole; a reaction set in; and for the next half-century Arianism continued to be a live issue in the Greek East. The orthodox view found its most celebrated champion in Athanasius, a deacon and afterward bishop of Alexandria, who stood unflinchingly for the *ipsissima verba* of the creed of Nicæa. The final triumph in the East of what may be called Athanasianism was accomplished at a council of one hundred and fifty Eastern bishops, whom the emperor Theodosius I summoned to Constantinople in 381. The council condemned various Arian and semi-

[1] *Codex Theodosianus*, xvi, 1, 2. J. C. Ayer, Jr., *A Source Book for Ancient Church History*, New York, 1913, pp. 367–368. Charles Scribner's Sons.

[2] Bishop of Rome (366–384).

[3] Philip Schaff, *The Creeds of Christendom* (Fourth Edition), New York, 1896–1899, vol. ii, pp. 58–59. Charles Scribner's Sons.

Arian heresies and reaffirmed the creed of Nicæa. The acts of the council have been lost, but the creed adopted by it was quoted as that of the " one hundred and fifty holy Fathers " in the acts of the Council of Chalcedon in 451. This so-called Constantinopolitanum eventually took the place of the creed of Nicæa even in the East. The translation follows the received text of the Protestant Churches, the Western additions being inclosed in brackets.

I believe in one God the Father Almighty; Maker of heaven and earth, and of all things visible and invisible. And in one Lord Jesus Christ, the only-begotten Son of God, begotten of the Father before all worlds, [God of God], Light of Light, very God of very God, begotten, not made, being of one substance with the Father; by whom all things were made; who, for us men and for our salvation, came down from heaven, and was incarnate by the Holy Ghost of the Virgin Mary, and was made man; and was crucified also for us under Pontius Pilate; he suffered and was buried; and the third day he arose again, according to the Scriptures; and ascended into heaven, and sitteth on the right hand of the Father; and he shall come again, with glory, to judge both the quick and the dead; whose kingdom shall have no end. And [I believe] in the Holy Ghost, the Lord and Giver of Life; who proceedeth from the Father [and the Son [1]]; who with the Father and the Son together is worshiped and glorified; who spake by the Prophets. And [I believe] in one Holy Catholic and Apostolic Church. I acknowledge one Baptism for the remission of sins; and I look for the resurrection of the dead, and the life of the world to come. Amen.

219. The Apostles' Creed [2]

The earliest occurrence of the Apostles' Creed exactly in the Latin form as now found is in a treatise ascribed to Pirminius (d. 758). How much earlier than the eighth century this exact form of the creed may go back cannot now be determined. Its substance is the ancient Roman Symbol, somewhat enlarged. It came into use in Rome in connection with the baptismal service and ultimately spread throughout western

[1] This is the famous *filioque*, inserted in the Latin creeds but rejected by the Greeks as contrary to Scripture.

[2] J. H. Blunt, *The Annotated Book of Common Prayer*, London, 1907, p. 195. Longmans, Green, and Company, Ltd.

Europe. The belief in the Apostolic origin of the creed was strengthened in the Middle Ages by the legend that each of the Apostles contributed one article. Laurentius Valla, the Renaissance scholar, first questioned the truth of the legend, and it has now been abandoned by ecclesiastical historians.

I believe in God the Father Almighty, Maker of heaven and earth. And in Jesus Christ His only Son our Lord, Who was conceived by the Holy Ghost, Born of the Virgin Mary, Suffered under Pontius Pilate, Was crucified, dead, and buried, He descended into hell; The third day He arose again from the dead, He ascended into heaven, And sitteth on the right hand of God the Father Almighty; From thence He shall come to judge the quick and the dead. I believe in the Holy Ghost; The holy Catholic Church; The Communion of Saints; The Forgiveness of sins; The Resurrection of the body, and the Life everlasting. Amen.

220. The Ascetic Life [1]

One of the earliest and most eloquent pleas for monasticism is found in a letter written by St. Jerome in 373 or 374. It was addressed to his friend Heliodorus, a presbyter of Aquileia, who had accompanied him to the East for a trial of the ascetic life in the sun-baked wastes of Syria. After a short experience of it Heliodorus had returned to Aquileia and resumed his clerical duties. To St. Jerome he seemed a backslider, one who had departed from the way of a perfect Christian.

At last my discourse is clear of the reefs; at last this frail bark has passed from the breakers into deep water. I may now spread my sails to the breeze; and, as I leave the rocks of controversy astern, my epilogue will be like the joyful shout of mariners. O desert, bright with the flowers of Christ! O solitude, whence comes the stones of which, in the Apocalypse, the city of the great king is built! O wilderness, gladdened with God's especial presence! What keeps you in the world, my brother, you who are above the world? How long shall gloomy roofs oppress you? How long shall smoky cities immure you? Believe me, I have more light than you. Sweet it is to lay aside

[1] St. Jerome, *Epistulæ*, xiv, 10; *Nicene and Post-Nicene Fathers* (Second Series), vol. vi, p. 17. Translated by W. H. Fremantle.

the weight of the body and to soar into the pure bright ether. Do you dread poverty? Christ calls the poor blessed. Does toil frighten you? No athlete is crowned but in the sweat of his brow. Are you anxious as regards food? Faith fears no famine. Do you dread the bare ground for limbs wasted with fasting? The Lord lies there beside you. Do you recoil from an unwashed head and uncombed hair? Christ is your true head. Does the boundless solitude of the desert terrify you? In the spirit you may walk always in paradise. Do but turn your thoughts thither and you will be no more in the desert. Is your skin rough and scaly because you no longer bathe? He that is once washed in Christ needeth not to wash again. To all your objections the apostle gives this one brief answer: "The sufferings of this present time are not worthy to be compared with the glory" which shall come after them, "which shall be revealed in us."[1] You are too greedy of enjoyment, my brother, if you wish to rejoice with the world here, and to reign with Christ hereafter.

221. A Theban Ascetic[2]

An account of the early monastic movement was written about 420 by Palladius, a bishop in Asia Minor. His *Lausiac History*, so called from the court chamberlain of Theodosius II to whom it was dedicated, consists of a series of biographical sketches of Egyptian and other Eastern monks. Some of them Palladius had known personally, and about others he obtained information from their disciples. His book, in spite of the many marvels it relates, forms on the whole a reliable description of early Christian asceticism in the East.

Handing me over to Dorotheus, a Theban ascetic who was spending the sixtieth year in his cave, he[3] ordered me to complete three years with him in order to tame my passions — for he knew that the old man lived a life of great austerity — bidding me return to him afterwards for spiritual instruction. But being unable to complete the three years owing to a breakdown in health, I left Dorotheus before the three years were up, for living

[1] *Romans*, viii, 18.

[2] Palladius, *Historia Lausiaca*, 2. W. K. L. Clarke, *The Lausiac History of Palladius*, London, 1918, pp. 48–50. Society for Promoting Christian Knowledge.

[3] Isidore, an Alexandrian priest.

with him one got parched and all dried-up. For all day long in the burning heat he would collect stones in the desert by the sea and build with them continually and make cells, and then he would retire in favour of those who could not build for themselves. Each year he completed one cell. And once when I said to him: "What do you mean, father, at your great age by trying to kill your poor body in these heats?" he answered thus: "It kills me, I kill it." For he used to eat daily six ounces of bread and a bunch of herbs, and drink water in proportion. God is my witness, I never knew him stretch his legs and go to sleep on a rush mat, or on a bed. But he would sit up all night long and weave ropes of palm leaves to provide himself with food. Then, supposing that he did this for my benefit, I made careful inquiries also from other disciples of his, who lived by themselves, and ascertained that this had been his manner of life from a youth, and that he had never deliberately gone to sleep, only when working or eating he closed his eyes overcome by sleep, so that often the piece of food fell from his mouth at the moment of eating, so great was his drowsiness. Once when I tried to constrain him to rest a little on the mat, he was annoyed and said: "If you can persuade angels to sleep, you will also persuade the zealous man." One day about the ninth hour he sent me to fill the jar at his well in view of a meal at the ninth hour. Well, as it happened, I went and saw an asp at the bottom of the well, and stopped drawing water and went away and said to him: "We are dead men, father, for I saw an asp in the well." But he smiled gravely and looked at me for a time, and then shaking his head said: "If the devil decides to become a serpent or tortoise in every well and to fall into our water-supply, will you refrain from drinking for ever?" And he went out and drew the water himself, and was the first to swallow some of it, fasting, saying: "Where the cross passes, the evil of anything is powerless." [1]

[1] Dorotheus, according to custom, had made the sign of the cross over his food and drink.

222. The Basilian Rule [1]

The development of Eastern monasticism owes most to the work of St. Basil, a native of Cappadocia, bishop of Cæsarea, and one of the greatest of fourth-century theologians. The regulations which he drew up for the monks under his direction came to be generally observed in the East, and they still remain the basis of the monastic system in the Greek and Slavonic Churches. His so-called Rule, in both the longer and shorter forms, is composed in the form of question and answer. In the following passage St. Basil dwells on the advantages of the cenobitic life over the solitary or hermit life.

Since your words have convinced us that a life lived with those who are contemptuous of the commandments of God is fraught with danger, we want to learn in due course, whether the man who has retired from such should live privately by himself, or join with like-minded brethren who have chosen the object of religion.

I recognise that the life of a number lived in common is more useful in many ways. To begin with, none of us is self-sufficient even as regards bodily needs, but we need one another's help in getting necessaries. . . .

Secondly, in such separation the man will not even recognise his defects readily, not having anyone to reprove him and to set him right with kindness and compassion. For it often happens that reproof even from an enemy induces in a good man a desire to be cured; but a skilful cure of sin is carried out by a man who has loved sincerely. "For he that loveth chasteneth diligently." Such a guide it is difficult to find in solitude, unless one has already formed a link with him in community life. There happens to him in consequence what has been said: "Woe to the solitary man, since if he fall there is none to raise him up." And many commandments are easily performed by a number living together, but not by a solitary man; for by doing one commandment another is hindered. For example, when we visit a sick man we cannot receive a stranger; when we bestow

[1] St. Basil, *Regula fusius tractata*, 7. W. K. L. Clarke, *The Ascetic Works of Saint Basil*, London, 1925, pp. 163–166. Society for Promoting Christian Knowledge.

and distribute the necessaries of life — especially when these ministrations have to be performed at a distance — we neglect work; so that the greatest commandment of all and that which conduces to salvation is neglected, and neither is the hungry fed nor the naked clothed. Who then would choose the idle and fruitless life in preference to the fruitful life which is lived in accordance with the commandment of the Lord? . . .

Further, living together has other benefits, all of which are not easily enumerated. For it is both more useful than solitude for keeping the good things given us by God, and as regards warding off the external attacks of the enemy a rousing from sleep by the watchers is safer, should it happen to any man to slumber in that sleep which leads unto death, which we have been taught by David to pray may not be our fate, when he said: "Lighten mine eyes, lest I sleep in death." Further, to the sinner it is easier to depart from sin when he fears the condemnation passed by a number in agreement. . . . But the solitary life has another danger besides what we have mentioned. First and greatest comes that of self-pleasing; for having no one to test his work, a man will think he has reached perfection in the commandment. And secondly, having shut up his character unexercised he neither recognises his defects nor knows his progress in good works, since he has taken away all the material for doing the commandments.

For wherewith shall a man show humility, if he has no one in comparison with whom to show himself humble? Wherewith shall he show compassion, when he is cut off from the communion of the many? How can he practise himself in long-suffering, when there is none to withstand his wishes? If a man says he finds the teaching of the divine Scriptures sufficient to correct his character, he makes himself like a man who learns the theory of building but never practises the art, or who is taught the theory of working in metals but prefers not to put his teaching into practice. . . .

So it is an arena for athletics, a method of travelling forward, a continual exercise and practising in the Lord's commandments, when the brethren dwell together.

223. The Gods of the Pagans [1]

The contact between Christianity and paganism gave rise during the second and third centuries to a mass of apologetic literature, in which Christian writers sought to convince educated pagans of the truth and excellence of the new religion. Among the apologists no one takes a higher place than Clement of Alexandria. He was born about 150, possibly in Athens, became a Christian, traveled and studied in various parts of the Roman world, and finally settled as a teacher and presbyter in Alexandria, where he produced all his important works. Clement's writings exhibit an extraordinary familiarity with the whole range of Greek literature. His *Protrepticus*, or *Exhortation to the Greeks*, which is quoted below, dates from about 200. In it he appeals to his countrymen to give up their false deities and devote themselves to the true God of the Christians.

Now the most part of the stories about your gods are legends and fictions. But as many as are held to be real events are the records of base men who led dissolute lives. . . . For example, there are some who record three gods of the name of Zeus: one in Arcadia, the son of Æther, the other two being sons of Cronus, the one in Crete, the other again in Arcadia. Some assume five Athenas: the daughter of Hephæstus, who is the Athenian; the daughter of Neilus, who is the Egyptian; a third, the daughter of Cronus, who is the discoverer of war; a fourth, the daughter of Zeus, to whom Messenians give the title Coryphasia after her mother. Above all, there is the child of Pallas and Titanis daughter of Oceanus. This is the one who impiously slaughtered her father and is arrayed in the paternal skin, as though it were a fleece. Further, with regard to Apollo, Aristotle enumerates, first the son of Hephæstus and Athena (which puts an end to Athena's virginity); secondly, the son of Cyrbas in Crete; thirdly, the son of Zeus; and fourthly, the Arcadian, the son of Silenus, called among the Arcadians Nomius. In addition to these he reckons the Libyan, the son of Ammon; and Didymus the grammarian adds a sixth, the son of Magnes. And how many Apollos are there at the present time? A countless host, all mortal and perishable men, who have been called by similar

[1] Clement, *Protrepticus*, ii, 23–24. G. W. Butterworth, *Clement of Alexandria*, London, 1919, pp. 55–59. William Heinemann, Ltd.

names to the deities we have just mentioned. And what if I were to tell you of the many gods named Asclepius, or of every Hermes that is enumerated, or of every Hephæstus that occurs in your mythology? Shall I not seem to be needlessly drowning your ears by the number of their names? But the lands they dwelt in, the arts they practised, the records of their lives, yes, and their very tombs, prove conclusively that they were men.

224. Faith and Manners of the Christians [1]

The apologetic *Epistle to Diognetus* very probably belongs to the second century. The Diognetus to whom it is addressed has been identified with the painting master of the youthful Marcus Aurelius. The purpose of the anonymous author was to answer certain questions raised by Diognetus as to the nature of Christianity and to explain its late appearance in the world.

For the Christians are distinguished from other men neither by country, nor language, nor the customs which they observe. For they neither inhabit cities of their own, nor employ a peculiar form of speech, nor lead a life which is marked out by any singularity. The course of conduct which they follow has not been devised by any speculation or deliberation of inquisitive men; nor do they, like some, proclaim themselves the advocates of any merely human doctrines. But, inhabiting Greek as well as barbarian cities, according as the lot of each of them has determined, and following the customs of the natives in respect to clothing, food, and the rest of their ordinary conduct, they display to us their wonderful and confessedly striking method of life. They dwell in their own countries, but simply as sojourners. As citizens, they share in all things with others, and yet endure all things as if foreigners. Every foreign land is to them as their native country, and every land of their birth as a land of strangers. They marry, as do all others; they beget children; but they do not destroy their offspring. They have a common table, but not a common bed. They are in the flesh, but they do not live after the flesh. They pass their days on earth, but they are citizens of heaven. They obey the prescribed laws, and at

[1] *Epistula ad Diognetum*, 5; *Ante-Nicene Fathers*, vol. i, pp. 26–27.

the same time surpass the laws by their lives. They love all men, and are persecuted by all. They are unknown and condemned; they are put to death, and restored to life. They are poor, yet make many rich; they are in lack of all things, and yet abound in all; they are dishonoured, and yet in their very dishonour are glorified. They are evil spoken of, and yet are justified; they are reviled, and bless; they are insulted, and repay the insult with honour; they do good, yet are punished as evil-doers. When punished, they rejoice as if quickened into life; they are assailed by the Jews as foreigners, and are persecuted by the Greeks; yet those who hate them are unable to assign any reason for their hatred.

225. Lucian on the Christians [1]

We owe to Lucian, the Greek essayist, an account of the extraordinary life and still more extraordinary death of the Cynic philosopher Peregrinus, who called himself, not inaptly, Proteus. If Lucian's very unsympathetic narrative be accepted at its face value, Peregrinus was a mountebank, rather than a philosopher, and his self-immolation on a pyre at Olympia, during a celebration of the games in 165, was the last act of a vulgar seeker after notoriety. The following passage, which tells how Peregrinus as a young man ingratiated himself with the Christian community in Palestine, is quoted here because it affords a good idea of the attitude of a cultivated Greek toward Christianity.

It was now that he came across the priests and scribes of the Christians, in Palestine, and picked up their queer creed. I can tell you, he pretty soon convinced them of his superiority; prophet, elder, ruler of the Synagogue — he was everything at once; expounded their books, commented on them, wrote books himself. They took him for a God, accepted his laws, and declared him their president. The Christians, you know, worship a *man* to this day, — the distinguished personage who introduced their novel rites, and was crucified on that account. Well, the end of it was that Proteus was arrested and thrown into prison. This was the very thing to lend an air to his favourite arts of

[1] Lucian, *De morte Peregrini Protei*, 11–13. H. W. Fowler and F. G. Fowler, *The Works of Lucian of Samosata*, Oxford, 1905, vol. iv, pp. 82–83. Clarendon Press.

clap-trap and wonder-working; he was now a made man. The Christians took it all very seriously: he was no sooner in prison, than they began trying every means to get him out again, — but without success. Everything else that could be done for him they most devoutly did. They thought of nothing else. Orphans and ancient widows might be seen hanging about the prison from break of day. Their officials bribed the gaolers to let them sleep inside with him. Elegant dinners were conveyed in; their sacred writings were read; and our old friend Peregrine (as he was still called in those days) became for them "the modern Socrates." In some of the Asiatic cities, too, the Christian communities put themselves to the expense of sending deputations, with offers of sympathy, assistance, and legal advice. The activity of these people, in dealing with any matter that affects their community, is something extraordinary; they spare no trouble, no expense. Peregrine, all this time, was making quite an income on the strength of his bondage; money came pouring in. You see, these misguided creatures start with the general conviction that they are immortal for all time, which explains the contempt of death and voluntary self-devotion which are so common among them; and then it was impressed on them by their original lawgiver that they are all brothers, from the moment that they are converted, and deny the gods of Greece, and worship the crucified sage, and live after his laws. All this they take quite on trust, with the result that they despise all worldly goods alike, regarding them merely as common property. Now an adroit, unscrupulous fellow, who has seen the world, has only to get among these simple souls, and his fortune is pretty soon made; he plays with them.

226. The Neronian Persecution [1]

The Neronian persecution occurred in the year 64, following the great fire which destroyed a large part of Rome. Tacitus, who was a boy at the time, probably saw the fire and may have seen, as well, the tortures which Nero inflicted upon its supposed instigators, the Christians.

[1] Tacitus, *Annales*, xv, 44. A. J. Church and W. J. Brodribb, *Annals of Tacitus*, London, 1869, pp. 304–305. Macmillan and Company, Ltd.

However this may be, the passage quoted below from the *Annals* (published between 113 and 115) is trustworthy. The historian writes as a Roman aristocrat to whom the Christians were detestable enough, but who had no desire to blacken their character in order to justify Nero's cruel treatment of them. The passage testifies to the fact that they already formed a considerable element in the capital city, that they belonged chiefly to the lowest classes, and that they were objects of general suspicion and hatred.

Such indeed were the precautions of human wisdom. The next thing was to seek means of propitiating the gods, and recourse was had to the Sibylline books,[1] by the direction of which prayers were offered to Vulcanus, Ceres, and Proserpina. Juno, too, was entreated by the matrons, first, in the Capitol, then on the nearest part of the coast, whence water was procured to sprinkle the fane and image of the goddess. And there were sacred banquets[2] and nightly vigils celebrated by married women. But all human efforts, all the lavish gifts of the emperor, and the propitiations of the gods, did not banish the sinister belief that the conflagration was the result of an order. Consequently, to get rid of the report, Nero fastened the guilt and inflicted the most exquisite tortures on a class hated for their abominations, called Christians[3] by the populace. Christus, from whom the name[4] had its origin, suffered the extreme penalty during the reign of Tiberius at the hands of one of our procurators, Pontius Pilatus,[5] and a most mischievous superstition, thus checked for the moment, again broke out not only in Judæa, the first source of the evil, but even in Rome, where all things hideous and shameful from every part of the world find their centre and become popular. Accordingly, an arrest was first made of all who pleaded guilty; then, upon their information, an immense multitude was convicted, not so much

[1] Attributed to the Sibyl, a priestess of Apollo at Cumæ. They were in charge of a body of priests, who consulted them whenever the Roman state was in great danger.

[2] Banquets (*sellisternia*) for the goddess.

[3] "Chrestians" (*Chrestiani*) seems to be the correct reading. *Cf.* Suetonius, *Divus Claudius*, 25.

[4] That is, religious society or sect.

[5] Procurator of Syria, 26–36. This is the only mention of Pilate by a Roman historian.

of the crime of firing the city, as of hatred against mankind. Mockery of every sort was added to their deaths. Covered with the skins of beasts, they were torn by dogs and perished, or were nailed to crosses, or were doomed to the flames and burnt, to serve as a nightly illumination, when daylight had expired.

Nero offered his gardens for the spectacle, and was exhibiting a show in the circus, while he mingled with the people in the dress of a charioteer or stood aloft on a car. Hence, even for criminals who deserved extreme and exemplary punishment, there arose a feeling of compassion; for it was not, as it seemed, for the public good, but to glut one man's cruelty, that they were being destroyed.

227. Correspondence of Pliny the Younger and Trajan Regarding the Christians [1]

The instructive correspondence here quoted belongs to 111–112, when Trajan had been emperor for more than a decade and when Pliny the Younger was acting as his legate extraordinary to regulate the affairs of the province of Bithynia and Pontus. These two letters, the first from Pliny to the emperor and the second the emperor's reply, afford unimpeachable evidence as to the spread of Christianity in Asia Minor at the opening of the second century, as to the customs of the Christians in their worship, and, finally, as to the procedure which the government had adopted for dealing with their *religio illicita*.

I

It is with me, sir, an established custom to refer to you all matters on which I am in doubt. Who, indeed, is better able, either to direct my scruples or to instruct my ignorance?

I have never been present at trials of Christians, and consequently do not know for what reasons, or how far, punishment is usually inflicted or inquiry made in their case. Nor have my hesitations been slight: as to whether any distinction of age should be made, or persons however tender in years should be viewed as differing in no respect from the full-grown: whether

[1] Pliny the Younger, *Epistulæ*, x, 96–97. J. D. Lewis, *The Letters of the Younger Pliny*, London, 1879, pp. 377–380. Kegan Paul, Trench, Trubner and Company, Ltd.

pardon should be accorded to repentance, or he who has once been Christian should gain nothing by having ceased to be one: whether the very profession itself if unattended by crime, or else the crimes necessarily attaching to the profession, should be made the subject of punishment.

Meanwhile, in the case of those who have been brought before me in the character of Christians, my course has been as follows: — I put it to themselves whether they were or were not Christians. To such as professed that they were, I put the inquiry a second and a third time, threatening them with the supreme penalty. Those who persisted, I ordered to execution. For, indeed, I could not doubt, whatever might be the nature of that which they professed, that their pertinacity, at any rate, and inflexible obstinacy, ought to be punished. There were others afflicted with like madness, with regard to whom, as they were Roman citizens, I made a memorandum that they were to be sent for judgment to Rome.[1] Soon, the very handling of this matter causing, as often happens, the area of the charge to spread, many fresh examples occurred. An anonymous paper was put forth containing the names of many persons. Those who denied that they either were or had been Christians, upon their calling on the gods after me, and upon their offering wine and incense before your statue, which for this purpose I had ordered to be introduced in company with the images of the gods, moreover upon their reviling Christ — none of which things it is said can such as are really and truly Christians be compelled to do — these I deemed it proper to dismiss. Others named by the informer admitted that they were Christians, and then shortly afterwards denied it, adding that they had been Christians, but had ceased to be so, some three years, some many years, more than one of them as much as twenty years, before. All these, too, not only honoured your image and the effigies of the gods, but also reviled Christ. They affirmed, however, that this had been the sum, whether of their crime or

[1] Without the express authorization of the emperor no provincial governor might inflict the death penalty on a Roman citizen. *Cf.* St. Paul's "appeal to Cæsar" (*Acts*, xxv, 11).

their delusion; they had been in the habit of meeting together on a stated day,[1] before sunrise, and of offering in turns a form of invocation [2] to Christ, as to a god;[3] also of binding themselves by an oath, not for any guilty purpose, but not to commit thefts, or robberies, or adulteries, not to break their word, not to repudiate deposits when called upon; these ceremonies having been gone through, they had been in the habit of separating, and again meeting together for the purpose of taking food — food that is, of an ordinary and innocent kind. They had, however, ceased from doing even this, after my edict, in which, following your orders, I had forbidden the existence of Fraternities. This made me think it all the more necessary to inquire, even by torture, of two maid-servants, who were styled deaconesses,[4] what the truth was. I could discover nothing else than a vicious and extravagant superstition: consequently, having adjourned the inquiry, I have had recourse to your counsels. Indeed, the matter seemed to me a proper one for consultation, chiefly on account of the number of persons imperilled. For many of all ages and all ranks, ay, and of both sexes, are being called, and will be called, into danger. Nor are cities only permeated by the contagion of this superstition, but villages and country parts as well; yet it seems possible to stop it and cure it. It is in truth sufficiently evident that the temples, which were almost entirely deserted, have begun to be frequented, that the customary religious rites which had long been interrupted are being resumed, and that there is a sale for the food of sacrificial beasts, for which hitherto very few buyers indeed could be found. From all this it is easy to form an opinion as to the great number of persons who may be reclaimed, if only room be granted for penitence.

[1] This can hardly be other than the first day of the week.

[2] *I.e.*, singing hymns antiphonally.

[3] *Christo quasi deo:* the earliest reference by a classical author to the founder of Christianity.

[4] Latin *ministræ*. The first mention of this order.

II

You have followed the right mode of procedure, my dear Secundus, in investigating the cases of those who had been brought before you as Christians. For, indeed, it is not possible to establish any universal rule, possessing as it were a fixed form. These people should not be searched for; if they are informed against and convicted they should be punished; yet, so that he who shall deny being a Christian, and shall make this plain in action, that is by worshipping our gods, even though suspected on account of his past conduct, shall obtain pardon by his penitence. Anonymous informations, however, ought not to be allowed a standing in any kind of charge; a course which would not only form the worst of precedents, but which is not in accordance with the spirit of our time.

228. Rescript of Hadrian [1]

Silvanus Granianus, proconsul of the province of Asia, wrote to Hadrian, probably in 123, asking what was to be done regarding accusations brought against Christians. The emperor's reply was addressed to Minicius (Minucius) Fundanus, a friend of Plutarch and Pliny the Younger, who had in the meantime succeeded Silvanus in the government of the province. This Rescript has a curious history. According to Eusebius, the ecclesiastical historian, Justin Martyr inserted it in his *First Apology* in Latin, the language of the actual document, and Eusebius translated it into Greek. But now the latter's Greek version alone appears in Justin's text (*Apologia prima*, 68), while the only Latin version is in the translation of Eusebius by Rufinus. This version may be the original Rescript, however, since the text of Rufinus is not an exact rendering of Eusebius's Greek. While doubt has been cast upon the authenticity of the document, most modern scholars accept it as genuine. Certainly, the policy toward the Christians here set forth accords with that of Hadrian's predecessor, Trajan.

I have received an epistle, written to me by Serennius [2] Granianus, a most illustrious man, whom you have succeeded.

[1] Eusebius, *Historia ecclesiastica*, iv, 9; *Nicene and Post-Nicene Fathers* (Second Series), vol. i, p. 182. Translated by A. C. McGiffert.

[2] Properly Silvanus. Hadrian or his secretary seems to have got the name wrong, and so the error found its way into Christian writings.

It does not seem right to me that the matter should be passed by without examination, lest the men be harassed and opportunity be given to the informers for practicing villainy. If, therefore, the inhabitants of the province can clearly sustain this petition against the Christians so as to give answer in a court of law, let them pursue this course alone, but let them not have resort to men's petitions and outcries. For it is far more proper, if any one wishes to make an accusation, that you should examine into it. If any one therefore accuses them and shows that they are doing anything contrary to the laws, do you pass judgment according to the heinousness of the crime. But, by Hercules! if any one brings an accusation through mere calumny, decide in regard to his criminality, and see to it that you inflict punishment.

229. The Scillitan Martyrs [1]

This is the official narrative of the trial of certain Christians from Scillium in Roman Africa before the Roman proconsul at Carthage. The date is 180. The document affords a notion of the procedure adopted in trials of Christians during the second century. The translation is from a Latin manuscript of the ninth century discovered in the British Museum by Dean Armitage Robinson and believed to be the original version.

In the consulship of Præsens, then consul for the second time, and Claudian, on the 17th of July, Speratus, Nartzalus and Cittinus, Donata, Secunda, Vestia were brought to trial at Carthage in the council-chamber. The proconsul Saturninus said to them: "You may merit the indulgence of our Lord the Emperor, if you return to a right mind."

Speratus said: "We have never done harm to any, we have never lent ourselves to wickedness; we have never spoken ill of any, but have given thanks when ill-treated, because we hold our own Emperor [2] in honour."

The proconsul Saturninus said: "We also are religious

[1] E. C. E. Owen, *Some Authentic Acts of the Early Martyrs*, Oxford, 1927, pp. 71–73. Clarendon Press.

[2] Commodus, who succeeded Marcus Aurelius Antoninus in 180.

people, and our religion is simple, and we swear by the genius [1] of our Lord the Emperor, and pray for his safety, as you also ought to do."

Speratus said: "If you will give me a quiet hearing, I will tell you the mystery [2] of simplicity."

Saturninus said: "If you begin to speak evil of our sacred rites, I will give you no hearing; but swear rather by the genius of our Lord the Emperor."

Speratus said: "I do not recognize the empire of this world, but rather I serve that God, whom no man has seen nor can see. I have not stolen, but if I buy anything, I pay the tax,[3] because I recognize my Lord, the King of kings and Emperor of all peoples."

The proconsul said to the rest: "Cease to be of this persuasion."

Speratus said: "The persuasion that we should do murder, or bear false witness, that is evil."

The proconsul Saturninus said: "Have no part in this madness."

Cittinus said: "We have none other to fear save the Lord our God who is in heaven."

Donata said: "Give honour to Cæsar as unto Cæsar, but fear to God."

Vestia said: "I am a Christian."

Secunda said: "I wish to be none other than what I am."

The proconsul Saturninus said to Speratus: "Do you persist in remaining a Christian?"

Speratus said: "I am a Christian." And all consented thereto.

The proconsul Saturninus said: "Do you desire any space for consideration?"

Speratus said: "When the right is so clear, there is nothing to consider."

The proconsul Saturninus said: "What have you in your case?"

[1] The guardian spirit of the emperor.
[2] The doctrines revealed to Christian believers.
[3] The tax paid on goods imported into a country.

Speratus said: "The Books,[1] and the letters of a just man, one Paul."

The proconsul Saturninus said: "Take a reprieve of thirty days and think it over."

Speratus again said: "I am a Christian." And all were of one mind with him.

The proconsul Saturninus read out the sentence from his notebook: "Whereas Speratus, Nartzalus, Cittinus, Donata, Vestia, Secunda, and the rest have confessed that they live in accordance with the religious rites of the Christians, and, when an opportunity was given them of returning to the usage of the Romans, persevered in their obstinacy, it is our pleasure that they should suffer by the sword."

Speratus said: "Thanks be to God!"

Nartzalus said: "To-day we are martyrs in heaven: thanks be to God!"

The proconsul Saturninus commanded that proclamation be made by the herald: "I have commanded that Speratus, Nartzalus, Cittinus, Veturius, Felix, Aquilinus, Lætantius, Januaria, Generosa, Vestia, Donata, Secunda be led forth to execution."

They all said: "Thanks be to God."

And so all were crowned with martydom together, and reign with the Father and Son and Holy Spirit for ever and ever. Amen.

230. A Certificate of Sacrifice [2]

This interesting document, which the dry climate of Egypt has preserved, was found in the Fayum in 1893. It is a certificate of sacrifice (*libellus*) obtained by a man suspected of being a Christian from the commission appointed to enforce the imperial edict against Christianity. Such certificates were a common feature of the Decian persecution. They were probably all of similar form.

To those who have been elected to preside over the sacrifices in the village of Alexander's Island [comes this petition] from

[1] Probably the Gospels.

[2] J. A. F. Gregg, *The Decian Persecution*, Edinburgh, 1897, p. 155. W. Blackwood and Sons.

Aurelius Diogenes, son of Satabus, of the village of Alexander's Island, aged seventy-two, with a scar on his right eyebrow. I have always sacrificed to the gods; and now, in your presence, and according to the terms of the edict, I have sacrificed and [poured libations?] and [tasted] the sacrificial victims, and I ask you to append your signature. Farewell. Presented by Aurelius Diogenes. — I, Mys[. . . the son of . . .]non, saw him sacrificing, and have subscribed. In the first year of Imperator Cæsar Gaius Messius Quintus Trajanus Decius Pius Felix Augustus, on Epiphi 2.[1]

231. Edict of Galerius [2]

The persecution of the Christians which began under Diocletian was the last and most severe test of their constancy. With some interruptions it continued for eight years and embraced the entire empire. It practically ended in 311, when Galerius published in his own name, and in the names of his colleagues, Constantine and Licinius, a general edict granting toleration to the hitherto outlawed Christians. The original Latin text is found in Lactantius (*How the Persecutors Died*), and a Greek version of this in the *Ecclesiastical History* (viii, 17) of Eusebius.

Amongst our other regulations for the permanent advantage of the commonweal, we have hitherto studied to reduce all things to a conformity with the ancient laws and public discipline of the Romans.

It has been our aim in an especial manner, that the Christians also, who had abandoned the religion of their forefathers, should return to right opinions. For such wilfulness and folly had, we know not how, taken possession of them, that instead of observing those ancient institutions, which possibly their own forefathers had established, they, through caprice, made laws to themselves, and drew together into different societies many men of widely different persuasions.

After the publication of our edict, ordaining the Christians to betake themselves to the observance of the ancient institutions, many of them were subdued through the fear of danger,

[1] June 25, 250.

[2] Lactantius, *De mortibus persecutorum*, 34; *Ante-Nicene Fathers*, vol. vii, p. 315. Translated by William Fletcher.

and moreover many of them were exposed to jeopardy; nevertheless, because great numbers still persist in their opinions, and because we have perceived that at present they neither pay reverence and due adoration to the gods, nor yet worship their own God, therefore we, from our wonted clemency in bestowing pardon on all, have judged it fit to extend our indulgence to those men, and to permit them again to be Christians, and to establish the places of their religious assemblies; yet so as that they offend not against good order.

By another mandate we purpose to signify unto magistrates how they ought herein to demean themselves.

Wherefore it will be the duty of the Christians, in consequence of this our toleration, to pray to their God for our welfare,[1] and for that of the public, and for their own; that the commonweal may continue safe in every quarter, and that they themselves may live securely in their habitations.

232. Constantine's Cross [2]

According to Eusebius the vision of the Flaming Cross occurred in 312, on the day before Constantine overthrew his rival, Maxentius, at the battle of the Mulvian Bridge near Rome. Eusebius professes to have heard the story from the lips of Constantine, but he wrote after the emperor's death. Eunenius, another contemporary, seems to imply that the miracle happened before Constantine left Gaul for Italy. Lactantius, the author of the *De mortibus persecutorum* and a well-informed contemporary, declares that Constantine beheld the heavenly sign, not in a vision by day, but in a dream by night. These conflicting statements can scarcely be reconciled. In any case, however, the narrative of Eusebius represents what came to be the official explanation of Constantine's conversion to Christianity.

Accordingly he called on him with earnest prayer and supplications that he would reveal to him who he was, and stretch forth his right hand to help him in his present difficulties. And while he was thus praying with fervent entreaty, a most marvelous sign appeared to him from heaven, the account of which it might

[1] The Edict of Galerius was issued from his deathbed.

[2] Eusebius, *Vita Constantini*, i, 28–31; *Nicene and Post-Nicene Fathers* (Second Series), vol. i, pp. 490–491. Translated by E. C. Richardson.

have been hard to believe had it been related by any other person. But since the victorious emperor himself long afterwards declared it to the writer of this history, when he was honored with his acquaintance and society, and confirmed his statement by an oath, who could hesitate to accredit the relation, especially since the testimony of after-time has established its truth? He said that about noon, when the day was already beginning to decline, he saw with his own eyes the trophy of a cross of light in the heavens, above the sun, and bearing the inscription, CONQUER BY THIS. At this sight he himself was struck with amazement, and his whole army also, which followed him on this expedition, and witnessed the miracle.

He said, moreover, that he doubted within himself what the import of this apparition could be. And while he continued to ponder and reason on its meaning, night suddenly came on; then in his sleep the Christ of God appeared to him with the same sign which he had seen in the heavens, and commanded him to make a likeness of that sign which he had seen in the heavens, and to use it as a safeguard in all engagements with his enemies.

At dawn of day he arose, and communicated the marvel to his friends: and then, calling together the workers in gold and precious stones, he sat in the midst of them, and described to them the figure of the sign he had seen, bidding them represent it in gold and precious stones. And this representation I myself have had an opportunity of seeing.

Now it was made in the following manner. A long spear, overlaid with gold, formed the figure of the cross by means of a transverse bar laid over it. On the top of the whole was fixed a wreath of gold and precious stones; and within this, the symbol of the Saviour's name, two letters indicating the name of Christ by means of its initial characters, the letter P being intersected by X in its centre: and these letters the emperor was in the habit of wearing on his helmet at a later period.[1] From the cross-bar of the spear was suspended a cloth, a royal piece, covered with a profuse embroidery, of most brilliant precious stones; and

[1] The two Greek letters X P (ChR) thus made a monogram of the word *Christ* (Greek, *Christos*).

which, being also richly interlaced with gold, presented an indescribable degree of beauty to the beholder. This banner was of a square form, and the upright staff, whose lower section was of great length, bore a golden half-length portrait of the pious emperor and his children on its upper part, beneath the trophy of the cross, and immediately above the embroidered banner.

The emperor constantly made use of this sign of salvation as a safeguard against every adverse and hostile power, and commanded that others similar to it should be carried at the head of all his armies.

233. "Edict of Milan" [1]

Whether Constantine and his colleague Licinius ever issued an "Edict of Milan" for the purpose of amplifying the toleration accorded to Christians by the previous Edict of Galerius is still *sub judice*. The original Edict of Milan, if there was one, is not extant. We have, however, a letter which Licinius addressed to a prefect in 313, referring to it and commanding that it be observed. The original Latin text of the letter is in Lactantius and a Greek version of it is in Eusebius. Scholars seem to be now agreed that this document should more exactly be called a decree of Licinius, published at Nicomedia and affecting only the Eastern half of the Roman world. Some scholars go further and insist that no toleration document of any sort was drawn up at Milan.

When we, Constantine and Licinius, emperors, had an interview at Milan, and conferred together with respect to the good and security of the commonweal, it seemed to us that, amongst those things that are profitable to mankind in general, the reverence paid to the Divinity merited our first and chief attention, and that it was proper that the Christians and all others should have liberty to follow that mode of religion which to each of them appeared best; so that that God, who is seated in heaven, might be benign and propitious to us, and to every one under our government. And therefore we judged it a salutary measure, and one highly consonant to right reason, that no man should be denied leave of attaching himself to the rites of the Christians, or to whatever other religion his mind directed him, that thus

[1] Lactantius, *De mortibus persecutorum*, 48; *Ante-Nicene Fathers*, vol. vii, p. 320. Translated by William Fletcher.

the supreme Divinity, to whose worship we freely devote ourselves, might continue to vouchsafe His favour and beneficence to us.

And accordingly we give you to know that, without regard to any provisos in our former orders to you concerning the Christians, all who choose that religion are to be permitted, freely and absolutely, to remain in it, and not to be disturbed any ways, or molested. And we thought fit to be thus special in the things committed to your charge, that you might understand that the indulgence which we have granted in matters of religion to the Christians is ample and unconditional; and perceive at the same time that the open and free exercise of their respective religions is granted to all others, as well as to the Christians. For it befits the well-ordered state and the tranquillity of our times that each individual be allowed, according to his own choice, to worship the Divinity; and we mean not to derogate aught from the honour due to any religion or its votaries.[1]

234. Julian's Restoration of Paganism [2]

The "Apostate" Julian (361–363) abandoned Christianity for the Neoplatonic revival of paganism even before mounting the throne. The emperor's *Letters*, of which more than eighty have been preserved, set forth his views on religious toleration and his attitude toward Christians and Jews. The following letter was addressed in 362 to Arsacius, high priest of Galatia. It is not extant in any manuscript of Julian, but is quoted in full by Sozomen (*Historia ecclesiastica*, v, 16).

The Hellenic religion does not yet prosper as I desire, and it is the fault of those who profess it; for the worship of the gods is on a splendid and magnificent scale, surpassing every prayer and every hope. May Adrasteia[3] pardon my words, for indeed no one, a little while ago, would have ventured even to pray for a change of such a sort or so complete within so short a time. Why, then, do we think that this is enough, why do we not observe that it is

[1] The remainder of the document deals with the restoration to the Christians of their places of worship.

[2] Julian, *Epistulæ*, xlix. Wilmer C. Wright, *The Works of the Emperor Julian*, London, 1923, vol. iii, pp. 67–71. William Heinemann, Ltd.

[3] The goddess is a variant of Nemesis.

their benevolence to strangers, their care for the graves of the dead and the pretended holiness of their lives that have done most to increase atheism? [1] I believe that we ought really and truly to practise every one of these virtues. And it is not enough for you alone to practise them, but so must all the priests in Galatia, without exception. Either shame or persuade them into righteousness or else remove them from their priestly office, if they do not, together with their wives, children and servants, attend the worship of the gods but allow their servants or sons or wives to show impiety towards the gods and honour atheism more than piety. In the second place, admonish them that no priest may enter a theatre or drink in a tavern or control any craft or trade that is base and not respectable. Honour those who obey you, but those who disobey, expel from office. In every city establish frequent hostels in order that strangers may profit by our benevolence; I do not mean for our own people only, but for others also who are in need of money. I have but now made a plan by which you may be well provided for this; for I have given directions that 30,000 modii [2] of corn shall be assigned every year for the whole of Galatia, and 60,000 pints of wine. I order that one-fifth of this be used for the poor who serve the priests, and the remainder be distributed by us to strangers and beggars. For it is disgraceful that, when no Jew ever has to beg, and the impious Galilæans [3] support not only their own poor but ours as well, all men see that our people lack aid from us. Teach those of the Hellenic faith to contribute to public service of this sort, and the Hellenic villages to offer their first fruits to the gods; and accustom those who love the Hellenic religion to these good works by teaching them that this was our practice of old.

[1] Julian often calls Christianity "atheism."

[2] Pecks.

[3] In calling the Christians "Galilæans" Julian wished to emphasize the local origin of their religion.

235. A Pagan's Lament [1]

The letters of the celebrated sophist and rhetorician, Libanius, especially those to the emperor Julian, who had been his pupil, afford an interesting glimpse of the conflict between paganism and Christianity in the fourth century.

But now this black-robed throng, who, though they try to conceal the fact by an artificial pallor, eat more gluttonously than elephants and by their frequent draughts tire out the patience of the congregation, which accompanies each potation with a chant — these black-robed votaries, Emperor, though the law forbids such practices, hurry to the temples, carrying beams and stones and iron bars; while some, not having these, are ready even with their hands and feet. Then, without the slightest compunction or restraint, they rip off roofs, tear down walls, drag down images, and overthrow altars; and the priests must either say nothing or lose their lives. . . . So they go through the land like mountain torrents, laying waste the country under pretext of attacking the temples. . . . They say that they are warring against the temples, but their warfare is really a means of private gain, both for those who attack the temples and for those who plunder the possessions of the poor inhabitants, carrying off their beasts and the contents of their storehouses. . . . Some even go farther than this, and appropriate the land, saying that So-and-So's land is consecrated ground; and many a landholder has been deprived of his estate under a false charge.

Those who do these acts live in luxury and grow fat on the profit of other men's misfortunes — they who reverence their god, as they say, by starving their bodies! If those who have been robbed of their goods go to the city "pastor" — for so they call some worthless fellow — and complain, telling him of the injustice they have suffered, the "pastor" praises the wrongdoers, and drives the suppliants from his presence, giving them to understand that they are fortunate not to have suffered even worse. And yet, Emperor, these are of your Empire no less

[1] Libanius, *Epistulæ*, ii, 164, 4. J. W. H. Walden, *The Universities of Ancient Greece*, New York, 1909, pp. 117–118. Charles Scribner's Sons.

than the others, and are as much more valuable than the others as those who work are more valuable than those who do not; for these are the workers and the others are the drones. If these drones hear of an estate that contains anything that can be plundered, straightway that estate is engaged in unholy practices, and is committing an unpardonable sin; a campaign must be instituted against it, and the inspectors immediately appear. "Campaign" is the name they give to this robbery, if robbery be not too weak a word to use — for robbers try to escape observation and deny their deeds; and, if you call them robbers, you insult them; but these men are proud of their actions and strive to outdo one another, giving instruction in the art to those who are unacquainted with it and proclaiming themselves deserving of honor.

236. Paganism Outlawed by Theodosius I [1]

The following decree of Theodosius I, "the Great," and his colleagues, Arcadius and Honorius, was issued at Constantinople in 392 and was never repealed. It prohibits pagan worship as a crime of the same character as treason. The decree put an end to the legal toleration of paganism, at least in the Eastern half of the Roman world.

No official or dignitary of whatsoever class or rank among men, whether he be powerful by fortune of birth or humble in the condition of his family, shall in any place or in any city slay an innocent victim for sacrifice to senseless idols, or in more secret rite, honor the *lares* [2] with fire, the *genius* [3] of the house with pure wine, the *penates* [4] with sweet odors and light the lamps, offer the incense and hang up the garlands.

But if any one in order to make a sacrifice dares to offer a victim or to consult the quivering entrails, let any man be free to accuse him and let him receive as one guilty of lese-majesty

[1] *Codex Theodosianus*, xvi, 10, 12. Maude A. Huttmann, *The Establishment of Christianity and the Proscription of Paganism*, New York, 1914, pp. 216–217. Columbia University Studies in History, Economics, and Public Law, vol. lx, No. 2.

[2] Protecting spirits of the household.

[3] The Roman house-father had his guardian spirit, or *genius*, whose festival was celebrated on the master's birthday.

[4] Deities in special charge of the family property.

a fitting punishment for an example, even if he have sought nothing contrary to, or involving the welfare of, the authorities. For it is sufficiently a crime to wish to undo nature's laws and to investigate what is forbidden; to lay bare secrets, to handle things prohibited, to look for the end of another's prosperity or to predict another's ruin.

But if any one worship with incense idols made by human toil and enduring for a generation, and foolishly fearing on a sudden his own handiwork, seeks to do reverence to vain images, winding a tree with fillets or erecting an altar or turf (for although the worth of the gift be slight, yet the injury to religion is great) let him be judged a violator of religion and a fine be levied on the house or the estate in which he is proved to have committed the deed of heathen superstition. For every place where the smoke of incense has ascended, provided that these places are proved in law to be the property of those who offered the incense, shall be appropriated to the fisc.

But if any one has sought to make such a sacrifice in public temples or shrines or in buildings or in fields belonging to some one else — if it be proved that the place was used without the owner's knowledge, he shall pay a fine of twenty-five pounds of gold; and the same penalty for the man who connives at this crime or who makes the sacrifice.

This statute we wish to be observed by judges, defensors and curials of every city, so that offenses discovered by the latter may be reported to the courts and there punished by the former. But if they think anything may be concealed by favor or passed over by negligence, let them be subjected to judicial action; but if the former being warned, postpone giving sentence and dissimulate, they shall be fined thirty pounds of gold, and members of their court shall be subjected to a like penalty.

237. Paganism Outlawed by Honorius [1]

This decree was issued at Rome in 408 by the emperor Honorius and his colleagues Arcadius and Theodosius II. It constituted the final prohibition of paganism in the West.

The yearly income of the temples shall be cut off and shall be applied to help out the expenses of our most devoted soldiery.

Any images wherever still standing in temples and fanes, which have received or are receiving religious rites of the pagans, shall be torn from their temples, since we know this has been decreed by laws frequently repeated.

The temple buildings themselves, whether situated in cities or towns or without the walls, shall be appropriated for public purposes. Altars shall be destroyed in every place, and all temples shall be given over into our possession to be used for suitable purposes; the proprietors shall be forced to tear them down.

In the more polluted places it shall not be permitted to hold a banquet or to celebrate any solemn service in honor of any sacrilegious rite whatsoever.

Furthermore, we give the ecclesiastical power to the bishops of these places to prevent these very things.

Moreover, we inflict a penalty of twenty pounds of gold upon judges and a like fine on their officials, if these orders are neglected through their carelessness.

[1] *Codex Theodosianus*, xvi, 10, 19. Maude A. Huttmann, *The Establishment of Christianity and the Proscription of Paganism*, New York, 1914, p. 229. Columbia University Studies in History, Economics, and Public Law, vol. lx, No. 2.

SECTION XIV

HEATHENISM AND THE CONVERSION OF EUROPE

238. Celtic Heathenism [1]

The seven books of Cæsar's *Commentaries on the Gallic War* were published in 51 B.C. They give us our first literary information concerning the Gauls and Britons. It is very little. Real knowledge of ancient Celtic civilization must be based almost entirely upon archæological research, and even this does not tell us a great deal about Celtic religion. That it was polytheistic; that, except where it was molded by Druidical doctrine, it had no definite theology; that, on the practical side, it consisted chiefly in the performance of traditional rites; that it was essentially local, with many variations in different parts of the country; finally, that, like other primitive religions it concerned the social group much more than the individual — such were its general characteristics. Cæsar adds some interesting details for the benefit of his Roman readers.

Everywhere in Gaul two classes only are of any account or enjoy any distinction; for the masses are regarded almost as slaves, never venture to act on their own initiative, and are not admitted to any council. Generally, when crushed by debt or heavy taxation or ill-treated by powerful individuals, they bind themselves to serve men of rank, who exercise over them all the rights that masters have over their slaves. One of the two classes consists of the Druids, the other of the Knights. The former officiate at the worship of the gods, regulate sacrifices, private as well as public, and expound questions of religion. Young men resort to them in large numbers for study, and the people hold them in great respect. They are judges in nearly all disputes, whether between tribes or individuals. . . .

The Druids, as a rule, take no part in war, and do not pay taxes conjointly with other people: they enjoy exemption from military service and immunity from all burdens. Attracted by these great privileges, many persons voluntarily come to learn

[1] *Cæsar, De bello Gallico*, vi, 13–14, 16–17. T. R. Holmes, *Cæsar's Commentaries on the Gallic War*, London, 1908, pp. 180–184. Macmillan and Company, Ltd.

from them, while many are sent by their parents and relatives. During their novitiate it is said that they learn by heart a great number of verses; and accordingly some remain twenty years in a state of pupilage. It is against the principles of the Druids to commit their doctrines to writing, though, for most other purposes, such as public and private documents, they use Greek characters. Their motive, I take it, is twofold: they are unwilling to allow their doctrine to become common property, or their disciples to trust to documents and neglect to cultivate their memories; for most people find that, if they rely upon documents, they become less diligent in study and their memory is weakened. The doctrine which they are most earnest in inculcating is that the soul does not perish, but that after death it passes from one body to another: this belief they regard as a powerful incentive to valour, as it inspires a contempt for death.[1] They also hold long discussions about the heavenly bodies and their motions, the size of the universe and of the earth, the origin of all things, the power of the gods and the limits of their dominion, and instruct their young scholars accordingly. . . .

The Gallic people, in general, are remarkably addicted to religious observances; and for this reason persons suffering from serious maladies and those whose lives are passed in battle and danger offer or vow to offer human sacrifices, and employ Druids to perform the sacrificial rites; for they believe that unless for man's life the life of man be duly offered, the divine spirit cannot be propitiated. They also hold regular state sacrifices of the same kind. They have, besides, colossal images, the limbs of which, made of wickerwork, they fill with living men and set on fire; and the victims perish, encompassed by the flames. They regard it as more acceptable to the gods to punish those who are caught in the commission of theft, robbery, or any other crime; but, in default of criminals, they actually resort to the sacrifice of the innocent.

The god whom they most reverence is Mercury, whose images

[1] It has been suggested that the Druidical doctrine of metempsychosis owed something to Pythagorean speculations, through the medium of the Greeks of Massilia in southern Gaul.

abound. He is regarded as the inventor of all arts and the pioneer and guide of travellers, and he is believed to be all-powerful in promoting commerce and the acquisition of wealth. Next to him they reverence Apollo, Mars, Jupiter, and Minerva.[1] Their notions about these deities are much the same as those of other peoples: Apollo they regard as the dispeller of disease, Minerva as the originator of industries and handicrafts, Jupiter as the suzerain of the celestials, and Mars as the lord of war. To Mars, when they have resolved upon battle, they commonly dedicate the spoils: after victory they sacrifice the captured cattle, and collect the rest of the booty in one spot. In the territories of many tribes are to be seen heaps of such spoils reared on consecrated ground; and it has rarely happened that any one dared, despite religion, either to conceal what he had captured or to remove what had been consecrated. For such an offence the law prescribes the heaviest punishment with torture.

239. "Confession" of St. Patrick [2]

The career of the patron saint of Ireland is involved in considerable obscurity. Only three documents purporting to have been written by him have come down to us. The most important of these is the *Confession*, which was written toward the close of his life. It gives a general account of his career as a missionary bishop in Ireland from 432 onward.

Now it were a tedious task to declare particularly the whole of my toil, or even partially. I shall briefly say in what manner the most righteous God often delivered me from slavery and from twelve perils whereby my soul was endangered, besides many plots and things which I am not able to express in words. Nor shall I weary my readers. But I have as my voucher God who knoweth all things even before they come to pass, as the answer of God frequently warned me, the poor, unlearned orphan.

[1] Cæsar's attribution to the Gallic tribes of a well-defined pantheon of five gods seems to contradict his own statement (i, 1) as to the diversity of their languages, customs, and laws. In any case, we may be certain that the identification of Gallic deities with Roman followed the conquest of Gaul and did not precede it.

[2] *Libri Sancti Patricii: Confessio*, 35–38, 41. N. J. D. White, *St. Patrick; His Writings and Life*, London, 1920, pp. 42–45. Society for Promoting Christian Knowledge.

Whence came to me this wisdom, which was not in me, I who neither knew the number of my days, nor cared for God? Whence afterwards came to me that gift so great, so salutary, the knowledge and love of God, but only that I might part with fatherland and kindred?

And many gifts were proffered me with weeping and tears. And I displeased them, and also, against my wish, not a few of my elders; but, God being my guide, in no way did I consent or yield to them. It was not any grace in me, but God who overcometh in me; and he withstood them all, so that I came to the heathen Irish to preach the Gospel, and to endure insults from unbelievers, so as to hear the reproach of my going abroad, and endure many persecutions even unto bonds, and that I should give up my free condition for the profit of others. And if I should be worthy, I am ready to give even my life for his name's sake unhesitatingly and very gladly; and there I desire to spend it even unto death, if the Lord would grant it to me.

Because I am a debtor exceedingly to God, who granted me such great grace that many peoples through me should be regenerated to God and afterwards confirmed, and that clergy should everywhere be ordained for them for a people newly come to belief, which the Lord took from the ends of the earth, as he had in times past promised through his prophets. . . .

Wherefore then in Ireland they who never had the knowledge of God, but until now only worshipped idols and abominations — how has there been lately prepared a people of the Lord, and they are called children of God? Sons and daughters of Scottic chieftains are seen to become monks and virgins of Christ.

240. St. Columba [1]

St. Columba (Irish *Colum*) lives in history as the intrepid missionary to the Picts of northern Scotland and the founder of the abbey of Hy, or Iona, which became the mother house of Scottish monasteries. His biography was written about a century after his death in 597 by Adamnan, ninth abbot of Iona, who drew on both written materials and

[1] Adamnan, *Vita Sancti Columbæ*, i, 1. William Reeves, *Life of St. Columba, Founder of Hy*, Edinburgh, 1874, pp. 4–7. Historians of Scotland, vol. vi.

oral information. It is the most valuable literary monument of the Celtic Church.

According to the promise given above, I shall commence this book with a brief account of the evidences which the venerable man gave of his power. By virtue of his prayer, and in the name of our Lord Jesus Christ, he healed several persons suffering under various diseases; and he alone, by the assistance of God, expelled from this our island, which now has the primacy, innumerable hosts of malignant spirits, whom he saw with his bodily eyes assailing himself, and beginning to bring deadly distempers on his monastic brotherhood. Partly by mortification, and partly by a bold resistance, he subdued, with the help of Christ, the furious rage of wild beasts. The surging waves, also, at times rolling mountains high in a great tempest, became quickly at his prayer quiet and smooth, and his ship, in which he then happened to be, reached the desired haven in a perfect calm.

When returning from the country of the Picts, where he had been for some days, he hoisted his sail when the breeze was against him, to confound the Druids, and made as rapid a voyage as if the wind had been favourable. On other occasions, also, contrary winds were at his prayers changed into fair. In that same country, he took a white stone from the river, and blessed it for the working of certain cures; and that stone, contrary to nature, floated like an apple when placed in water. This divine miracle was wrought in the presence of King Brude and his household. In the same country, also, he performed a still greater miracle, by raising to life the dead child of an humble believer, and restoring him in life and vigour to his father and mother. At another time, while the blessed man was yet a young deacon in Hibernia, residing with the holy bishop Findbarr, the wine required for the sacred mysteries failed, and he changed by his prayer pure water into true wine. An immense blaze of heavenly light was on many and wholly distinct occasions seen by some of the brethren to surround him in the light of day, as well as in the darkness of the night. He was also favoured with the sweet and most delightful society of bright hosts of the holy angels. . . .

Among the miracles which this same man of the Lord, while dwelling in mortal flesh, performed by the gift of God, was his foretelling the future by the spirit of prophecy, with which he was highly favoured from his early years, and making known to those who were present what was happening in other places: for though absent in body he was present in spirit, and could look on things that were widely apart, according to the words of St. Paul, "He that is joined unto the Lord is one spirit." Hence this same man of the Lord, St. Columba, when a few of the brethren would sometimes inquire into the matter, did not deny but that by some divine intuition, and through a wonderful expansion of his inner soul, he beheld the whole universe drawn together and laid open to his sight, as in one ray of the sun.

241. Germanic Heathenism [1]

The little book, *Germany*, published by Tacitus probably in 99 A.D., gives us the first connected account of the barbarians whose inroads, three hundred years later, were to break up the Roman empire. There is no evidence that Tacitus had ever traveled among the Germans or had observed their customs at first hand. His work was compiled from earlier Roman writings which have not come down to us.

They worship Mercury [2] more than any other of the gods. They do not think it wrong to propitiate him on certain days with human victims. Hercules and Mars [3] they appease with more venial sacrifices. A portion of the Suebi also sacrifice to Isis. The origin of this foreign rite is quite uncertain: but the symbol itself is made in the shape of a galley, which shows that the worship is imported. However, they consider that it ill accords with the majesty of heavenly beings to coop them within walls or to depict them in any human shape. They consecrate groves and woods and give divine names to that mysterious abstraction which they see by the eye of awe alone.

No people attach more importance to auspices and the decision of the lot. Their method of drawing lots is always the same.

[1] Tacitus, *Germania*, 9–10. W. H. Fyfe, *Tacitus; Dialogus, Agricola, and Germania*, Oxford, 1908, pp. 94–95. Clarendon Press.

[2] Here equated with the German Woden (Norse *Odin*).

[3] The German Tiu (Norse *Tyr*).

They lop off a branch of a fruit-tree and cut it up into small wands. These they distinguish by certain marks and scatter them at random over a white cloth. Next, if the deliberations be public, the tribal priest, or, if private, the head of the family himself, offers a prayer, and raising his eyes to heaven picks up three wands, one at a time, and then interprets them according to the marks already made on each. If the auspices are unfavourable, they do not consult them again that day on the same matter. If assent is indicated, they still demand a further confirmation of their truth. For they have learnt to question, as we do, the flight and cries of birds. They have also a method peculiar to themselves of obtaining prophetic warning from horses, which are kept at public expense in the groves and woods mentioned before. These horses are white and undefiled by human labour. They are yoked to a sacred car, and the priest, together with the king or chief man of the tribe, accompanies them and takes note of their neighing and whinnying. No method of taking auspices is more completely trusted, not only by the common people, but by the nobles also, and by the priests, who think themselves the god's servants and the horses their confidants. They have also another method of taking auspices, by which they seek to discover the issue of important battles. They capture a prisoner, as best they can, from the tribe with whom they are at war, and put him against a chosen warrior of their own, each with his native weapons. The victory of the one or the other is taken as an omen.

242. Augustine and the Conversion of Kent [1]

Bæda, commonly called the Venerable Bede (*c.* 672–735) was a Benedictine monk of the monastery of Jarrow (on the Tyne). In a short account of himself he says, "I have spent the whole of my life within that monastery, giving all my energy to meditation on the Scriptures; and, amid the observance of the monastic rule and the daily ministry of singing in the church, it has ever been my delight to learn or teach or write." Bede's tranquil career and devotion to study enabled him to produce many books, of which the best known is his *Ecclesiastical History of the*

[1] Bede, *Historia ecclesiastica gentis Anglorum*, i, 25–26. A. M. Sellar, *Bede's Ecclesiastical History of England*, London, 1907, pp. 45–48. G. Bell and Sons, Ltd.

English Nation. It is the first truly historical work composed by an Englishman. While primarily a church history, the book also touches on secular affairs, and forms, indeed, one of the chief sources of our knowledge of the seventh and eighth centuries. Bede, unlike the majority of medieval chroniclers, evidently tried to verify his statements. His history was based upon monastic records now lost to us, and it bears the stamp of authenticity. What he says of Augustine's mission to the English in 597 throws light on the reception of Christianity among the heathen Teutonic peoples.

Augustine, thus strengthened by the encouragement of the blessed Father Gregory,[1] returned to the work of the Word of God, with the servants of Christ who were with him, and arrived in Britain. The powerful Ethelbert[2] was at that time king of Kent; he had extended his dominions as far as the boundary formed by the great river Humber, by which the Southern Saxons are divided from the Northern. On the east of Kent is the large Isle of Thanet, containing, according to the English way of reckoning, 600 families,[3] divided from the mainland by the river Wantsum, which is about three furlongs in breadth, and which can be crossed only in two places; for at both ends it runs into the sea. On this island landed the servant of the Lord, Augustine, and his companions, being, as is reported, nearly forty men. They had obtained, by order of the blessed Pope Gregory, interpreters of the nation of the Franks, and sending to Ethelbert, signified that they were come from Rome, and brought a joyful message, which most undoubtedly assured to those that hearkened to it everlasting joys in heaven, and a kingdom that would never end, with the living and true God. The king hearing this, gave orders that they should stay in the island where they had landed, and be furnished with necessaries, till he should consider what to do with them. For he had before heard of the Christian religion, having a Christian wife of the royal family of the Franks, called Bertha;[4] whom he had received from her parents, upon condition that she should be

[1] Pope Gregory I.

[2] Æthelberht I.

[3] Families, *i.e.*, "hides." The hide was a quantity of land sufficient to support a family.

[4] Daughter of Charibert, king of Paris.

permitted to preserve inviolate the rites of her religion with the Bishop Liudhard, who was sent with her to support her in the faith.

Some days after, the king came into the island, and sitting in the open air ordered Augustine and his companions to come and hold a conference with him. For he had taken precaution that they should not come to him in any house, lest, by so coming, according to an ancient superstition, if they practised any magical arts, they might impose upon him, and so get the better of him. But they came endued with Divine, not with magic power, bearing a silver cross for their banner, and the image of our Lord and Saviour painted on a board; and chanting litanies, they offered up their prayers to the Lord for the eternal salvation both of themselves and of those to whom and for whom they had come. When they had sat down, in obedience to the king's commands, and preached to him and his attendants there present the Word of life, the king answered thus: "Your words and promises are fair, but because they are new to us, and of uncertain import, I cannot consent to them so far as to forsake that which I have so long observed with the whole English nation. But because you are come from far as strangers into my kingdom, and, as I conceive, are desirous to impart to us those things which you believe to be true, and most beneficial, we desire not to harm you, but will give you favourable entertainment, and take care to supply you with all things necessary to your sustenance; nor do we forbid you to preach and gain as many as you can to your religion." Accordingly he gave them an abode in the city of Canterbury,[1] which was the metropolis of all his dominions, and, as he had promised, besides supplying them with sustenance, did not refuse them liberty to preach. . . .

There was on the east side of the city, a church dedicated of old to the honour of St. Martin,[2] built whilst the Romans were still in the island, wherein the queen, who, as has been said

[1] The Roman Doruvernis.

[2] St. Martin of Tours, who flourished in the fourth century. The present church of St. Martin near Canterbury is a thirteenth-century structure on the site of the church to which Bede refers. Its walls contain some of the Roman bricks and cement used in the original structure.

before, was a Christian, was wont to pray. In this they also first began to come together, to chant the Psalms, to pray, to celebrate Mass, to preach, and to baptize, till when the king had been converted to the faith, they obtained greater liberty to preach everywhere and build or repair churches.

When he, among the rest, believed and was baptized, attracted by the pure life of these holy men and their gracious promises, the truth of which they established by many miracles, greater numbers began daily to flock together to hear the Word, and, forsaking their heathen rites, to have fellowship, through faith, in the unity of Christ's Holy Church. It is told that the king, while he rejoiced at their conversion and their faith, yet compelled none to embrace Christianity, but only showed more affection to the believers, as to his fellow citizens in the kingdom of Heaven. For he had learned from those who had instructed him and guided him to salvation, that the service of Christ ought to be voluntary, not by compulsion. Nor was it long before he gave his teachers a settled residence suited to their degree in his metropolis of Canterbury, with such possessions of divers sorts as were necessary for them.

243. Gregory the Great on Missionary Policy [1]

Pope Gregory I, hearing from Bishop Augustine that he had "a great harvest and few laborers," sent over to Britain several helpers, among them Abbot Mellitus. To Mellitus the pope addressed in 601 the following letter, in which he set forth the cautious methods to be adopted by the Roman monks in their work of converting the heathen.

We have been much concerned, since the departure of our people that are with you, because we have received no account of the success of your journey. Howbeit, when Almighty God has led you to the most reverend Bishop Augustine, our brother, tell him what I have long been considering in my own mind concerning the matter of the English people; to wit, that the temples of the idols in that nation ought not to be destroyed; but let the idols that are in them be destroyed; let water be

[1] Bede, *Historia ecclesiastica gentis Anglorum*, i, 30. A. M. Sellar, *Bede's Ecclesiastical History of England*, London, 1907, pp. 66–68. G. Bell and Sons, Ltd.

consecrated and sprinkled in the said temples, let altars be erected, and relics placed there. For if those temples are well built, it is requisite that they be converted from the worship of devils [1] to the service of the true God; that the nation, seeing that their temples are not destroyed, may remove error from their hearts, and knowing and adoring the true God, may the more freely resort to the places to which they have been accustomed. And because they are used to slaughter many oxen in sacrifice to devils, some solemnity [2] must be given them in exchange for this, as that on the day of the dedication, or the nativities of the holy martyrs, whose relics are there deposited, they should build themselves huts of the boughs of trees about those churches which have been turned to that use from being temples, and celebrate the solemnity with religious feasting, and no more offer animals to the Devil, but kill cattle and glorify God in their feast, and return thanks to the Giver of all things for their abundance; to the end that, whilst some outward gratifications are retained, they may the more easily consent to the inward joys.

For there is no doubt that it is impossible to cut off every thing at once from their rude natures; because he who endeavours to ascend to the highest place rises by degrees or steps, and not by leaps. Thus the Lord made Himself known to the people of Israel in Egypt; and yet He allowed them the use, in His own worship, of the sacrifices which they were wont to offer to the Devil, commanding them in His sacrifice to kill animals, to the end that, with changed hearts, they might lay aside one part of the sacrifice, whilst they retained another; and although the animals were the same as those which they were wont to offer, they should offer them to the true God, and not to idols; and thus they would no longer be the same sacrifices. This then, dearly beloved, it behoves you to communicate to your aforesaid brother, that he, being placed where he is at present, may consider how he is to order all things. God preserve you in safety, most beloved son.

[1] *I.e.*, heathen deities.
[2] *I.e.*, religious festival.

244. Paulinus and the Conversion of Northumbria [1]

Augustine died in 604 and his protector Ethelbert I (Æthelberht) in 616 or 617. The latter's death marked the end of Kentish supremacy in Britain. Northumbria, the country to the north of the Humber River, soon became the ruling power in the island. Edwin (Eadwine), the Northumbrian king, extended his sway as far as the Firth of Forth and established there a frontier fortress, from which Edinburgh takes its name. He allied Northumbria with Kent by marrying Ethelberga, a daughter of Ethelbert. The Kentish princess had a chaplain, Paulinus, who urged Edwin to accept Christianity. According to Bede's narrative, which may have been derived in part from eyewitnesses, the king was baptized with his people and nobles at York (627).

The king, hearing these words, answered, that he was both willing and bound to receive the faith which Paulinus taught; but that he would confer about it with his chief friends and counsellors, to the end that if they also were of his opinion, they might all together be consecrated to Christ in the font of life. Paulinus consenting, the king did as he said; for, holding a council with the wise men,[2] he asked of every one in particular what he thought of this doctrine hitherto unknown to them, and the new worship of God that was preached? The chief of his own priests, Coifi, immediately answered him, "O king, consider what this is which is now preached to us; for I verily declare to you what I have learnt beyond doubt, that the religion which we have hitherto professed has no virtue in it and no profit. For none of your people has applied himself more diligently to the worship of our gods than I; and yet there are many who receive greater favours from you, and are more preferred than I, and are more prosperous in all that they undertake to do or to get. Now if the gods were good for any thing, they would rather forward me, who have been careful to serve them with greater zeal. It remains, therefore, that if upon examination you find those new doctrines, which are now preached to us, better and more efficacious, we hasten to receive them without any delay."

Another of the king's chief men, approving of his wise words

[1] Bede, *Historia ecclesiastica gentis Anglorum*, ii, 13. A. M. Sellar, *Bede's Ecclesiastical History of England*, London, 1907, pp. 116–118. G. Bell and Sons, Ltd.

[2] The Witenagemot.

and exhortations, added thereafter: "The present life of man upon earth, O king, seems to me, in comparison with that time which is unknown to us, like to the swift flight of a sparrow through the house wherein you sit at supper in winter, with your ealdormen and thegns, while the fire blazes in the midst, and the hall is warmed, but the wintry storms of rain or snow are raging abroad. The sparrow, flying in at one door and immediately out at another, whilst he is within, is safe from the wintry tempest; but after a short space of fair weather, he immediately vanishes out of your sight, passing from winter into winter again. So this life of man appears for a little while, but of what is to follow or what went before we know nothing at all. If, therefore, this new doctrine tells us something more certain, it seems justly to deserve to be followed." The other elders and king's counsellors, by Divine prompting, spoke to the same effect.

But Coifi added, that he wished more attentively to hear Paulinus discourse concerning the God Whom he preached. When he did so, at the king's command, Coifi, hearing his words, cried out, "This long time I have perceived that what we worshipped was naught; because the more diligently I sought after truth in that worship, the less I found it. But now I freely confess, that such truth evidently appears in this preaching as can confer on us the gifts of life, of salvation, and of eternal happiness. For which reason my counsel is, O king, that we instantly give up to ban and fire those temples and altars which we have consecrated without reaping any benefit from them."

In brief, the king openly assented to the preaching of the Gospel by Paulinus, and renouncing idolatry, declared that he received the faith of Christ: and when he inquired of the aforesaid high priest of his religion, who should first desecrate the altars and temples of their idols, with the precincts that were about them, he answered, "I; for who can more fittingly than myself destroy those things which I worshipped in my folly, for an example to all others, through the wisdom which has been given me by the true God?" Then immediately, in contempt of his vain superstitions, he desired the king to furnish him with arms and a stallion, that he might mount and go forth to destroy the idols;

for it was not lawful before for the high priest either to carry arms, or to ride on anything but a mare. Having, therefore, girt a sword about him, with a spear in his hand, he mounted the king's stallion, and went his way to the idols. The multitude, beholding it, thought that he was mad; but as soon as he drew near the temple he did not delay to desecrate it by casting into it the spear which he held; and rejoicing in the knowledge of the worship of the true God, he commanded his companions to tear down and set on fire the temple, with all its precincts. This place where the idols once stood is still shown, not far from York, to the eastward, beyond the river Derwent, and is now called Godmunddingaham,[1] where the high priest, by the inspiration of the true God, profaned and destroyed the altars which he had himself consecrated.

245. The Synod of Whitby [2]

The Celtic Christians followed some customs which differed from those observed by Roman Christians. They computed the date on which Easter fell according to a system unlike that of the Romans. They permitted their priests to marry; the Romans enforced priestly celibacy. Their monks shaved the front of the head from ear to ear as a tonsure, while Roman monks shaved the top of the head, leaving a "crown of thorns." These differences were enough to prevent the coöperation of Celtic and Roman missionaries for the conversion of the heathen. They were settled at the Synod of Whitby, which King Oswy (Oswiu) of Northumbria called in 664. The main controversy here concerned the proper date for Easter. The arguments advanced on both sides and the king's final judgment are related by Eddius (Eddi), whose biography of Bishop Wilfrid was written not long after the latter's death in 709.

On a certain occasion . . . while Oswiu and Alhfrith his son were reigning, the abbots and priests and men of all ranks in the orders of the Church gathered together in a monastery called Whitby, in the presence of the holy mother and most pious nun Hild,[3] as well as of the kings and two bishops, namely Colman [4]

[1] Now Goodmanham, in the East Riding of Yorkshire.

[2] Eddius, *Vita Sancti Wilfrithi*, 10. Bertram Colgrave, *The Life of Bishop Wilfrid by Eddius Stephanus*, Cambridge, 1927, pp. 21, 23. University Press.

[3] Hilda, abbess of Whitby.

[4] Bishop of Lindisfarne, and spokesman of the Celtic party at the synod.

and Agilberht, to consider the question of the proper date for the keeping of Easter — whether in accordance with the British and Scottish manner and that of the whole of the northern district, Easter should be kept on the Sunday between the fourteenth day of the moon and the twenty-second, or whether the plan of the Apostolic See was better, namely to celebrate Easter Sunday between the fifteenth day of the moon and the twenty-first. The opportunity was granted first of all to Bishop Colman, as was proper, to state his case in the presence of all. He boldly spoke in reply as follows: "Our fathers and their predecessors, plainly inspired by the Holy Spirit as was Columba, ordained the celebration of Easter on the fourteenth day of the moon, if it was a Sunday, following the example of the Apostle and Evangelist John 'who leaned on the breast of the Lord at supper' and was called the friend of the Lord. He celebrated Easter on the fourteenth day of the moon and we, like his disciples Polycarp and others, celebrate it on his authority; we dare not change it, for our fathers' sake, nor do we wish to do so. I have expressed the opinion of our party, do you state yours."

Agilberht the foreign bishop and Agatho his priest bade St. Wilfrid,[1] priest and abbot, with his persuasive eloquence explain in his own tongue the system of the Roman Church and of the Apostolic See. With his customary humility he answered in these words:

"This question has already been admirably investigated by the three hundred and eighteen most holy and learned fathers gathered together in Nicæa, a city of Bithynia.[2] They fixed amongst other decisions upon a lunar cycle which recurs every nineteen years. This cycle never shows that Easter is to be kept on the fourteenth day of the moon. This is the fixed rule of the Apostolic See and of almost the whole world, and our fathers, after many decrees had been made, uttered these words: 'he who condemns any one of these let him be accursed.'"

Then, after St. Wilfrid the priest had finished his speech, King Oswiu smilingly asked them all, "Tell me which is greater in the

[1] Abbot of Ripon, and the leading exponent of the Roman discipline in England.
[2] A reference to the Council of Nicæa in 325.

Kingdom of Heaven, Columba or the Apostle Peter?" The whole synod answered with one voice and one consent, "The Lord settled this when he declared: 'Thou art Peter and upon this rock I will build my Church and the gates of Hell shall not prevail against it. And I will give thee the keys of the Kingdom of Heaven; and whatsoever thou shalt bind on earth shall be bound in Heaven; and whatsoever thou shalt loose on earth, shall be loosed in Heaven.'" [1]

The king wisely replied, "He is the porter and keeps the keys. With him I will have no differences nor will I agree with those who have such, nor in any single particular will I gainsay his decisions so long as I live."

246. St. Martin of Tours and the Heathen [2]

St. Martin (*c.* 316–397), bishop of Tours, did much to extirpate idolatry and extend the monastic system in Gaul. He became the patron saint of France. His life was written by his disciple, Sulpicius Severus; like all the saints' lives it is full of legendary matter.

Again, when in a certain village he had demolished a very ancient temple, and had set about cutting down a pine-tree, which stood close to the temple, a chief priest of that place, and a crowd of other heathen began to oppose him. And these people, though, under the influence of the Lord, they had been quiet while the temple was being overthrown, could not patiently allow the tree to be cut down. Martin carefully instructed them that there was nothing sacred in the trunk of a tree, and urged them rather to honor God whom he himself served. He added that there was a moral necessity why that tree should be cut down, because it had been dedicated to a demon.[3] Then one of them who was bolder than the others says, "If you have any trust in [your] God, whom you say you worship, we ourselves will cut down this tree, and be it your part to receive it when falling; for if, as you declare, your Lord is with you, you will escape all

[1] *St. Matthew*, xvi, 18–19.

[2] Sulpicius Severus, *Vita Sancti Martini*, 13; *Nicene and Post-Nicene Fathers* (Second Series), vol. xi, p. 10. Translated by Alexander Roberts.

[3] That is, to a heathen deity.

injury." Then Martin, courageously trusting in the Lord, promises that he would do what had been asked. Upon this, all that crowd of heathen agreed to the condition named; for they held the loss of their tree a small matter, if only they got the enemy of their religion buried beneath its fall.

Accordingly, since that pine-tree was hanging over in one direction, so that there was no doubt to what side it would fall on being cut, Martin, having been bound, is, in accordance with the decision of these pagans, placed in that spot where, as no one doubted, the tree was about to fall. They began, therefore, to cut down their own tree, with great glee and joyfulness, while there was at some distance a great multitude of wondering spectators. And now the pine-tree began to totter, and to threaten its own ruin by falling.[1] The monks at a distance grew pale, and, terrified by the danger ever coming nearer, had lost all hope and confidence, expecting only the death of Martin. But he, trusting in the Lord, and waiting courageously, when now the falling pine had uttered its expiring crash, while it was now falling, while it was just rushing upon him, simply holding up his hand against it, he put in its way the sign of salvation.[2] Then, indeed, after the manner of a spinning-top (one might have thought it driven back), it swept round to the opposite side, to such a degree that it almost crushed the rustics, who had taken their places there in what was deemed a safe spot. Then truly, a shout being raised to heaven, the heathen were amazed by the miracle, while the monks wept for joy; and the name of Christ was in common extolled by all.

The well-known result was that on that day salvation came to that region.[3] For there was hardly one of that immense multitude of heathen who did not express a desire for the imposition of hands, and abandoning his impious errors, made a profession of faith in the Lord Jesus. Certainly, before the times of Martin, very few, nay, almost none, in those regions had received the

[1] Perhaps the translation should be, "and to threaten his (Martin's) destruction by falling."

[2] That is, the sign of the cross.

[3] Probably the region about Tours.

name of Christ; but through his virtues and example that name has prevailed to such an extent, that now there is no place thereabouts which is not filled either with very crowded churches or monasteries. For wherever he destroyed heathen temples, there he used immediately to build either churches or monasteries.

247. Conversion of Clovis

Our only authority for the conversion of Clovis in 496 is Gregory's *History of the Franks*. He was made bishop of Tours in 573. As head of the most important see in Gaul, he came into contact with the Merovingian royal family and enjoyed abundant opportunities to familiarize himself with the course of events. His history, written toward the close of his life, consists of ten books. The first book, which begins with the creation of man and extends to the death of St. Martin of Tours, is a mere uncritical compilation from the writings of St. Jerome and Orosius. The second book reaches to the end of Clovis's reign; it is based on historical material now lost and on legends which Gregory collected. The remaining books cover the period between 511 and 591. Here Gregory depended on oral tradition and on his own observations. This part — the larger part — of Gregory's work has great value for the history of the early Middle Ages.

The queen [2] did not cease to urge him [3] to recognize the true God and cease worshiping idols. But he could not be influenced in any way to this belief, until at last a war arose with the Alamanni,[4] in which he was driven by necessity to confess what before he had of his free will denied. It came about that as the two armies were fighting fiercely,[5] there was much slaughter, and Clovis's army began to be in danger of destruction. He saw it and raised his eyes to heaven, and with remorse in his heart he burst into tears and cried: "Jesus Christ, whom Clotilda asserts to be the son of the living God, who art said to give aid to those in distress, and to bestow victory on those who hope

[1] Gregory of Tours, *Historia Francorum*, ii, 30–31. Ernest Brehaut, *History of the Franks by Gregory Bishop of Tours*, New York, 1916, pp. 39–41. Records of Civilization: Sources and Studies. Columbia University Press.

[2] Clotilda (Chlothilde), a Burgundian princess who was a Roman Catholic.

[3] Clovis (Chlodovech).

[4] A German people living east of the Franks, in the region now known as Alsace.

[5] The battle was fought near Strasbourg.

in thee, I beseech the glory of thy aid, with the vow that if thou wilt grant me victory over these enemies, and I shall know that power which she says that people dedicated in thy name have had from thee, I will believe in thee and be baptized in thy name. For I have invoked my own gods, but, as I find, they have withdrawn from aiding me; and therefore I believe that they possess no power, since they do not help those who obey them. I now call upon thee, I desire to believe thee, only let me be rescued from my adversaries." And when he said this, the Alamanni turned their backs, and began to disperse in flight. And when they saw that their king was killed, they submitted to the dominion of Clovis, saying: "Let not the people perish further, we pray; we are yours now." And he stopped the fighting, and after encouraging his men, retired in peace and told the queen how he had had merit to win the victory by calling on the name of Christ. This happened in the fifteenth year of his reign.

Then the queen asked Saint Remi,[1] bishop of Rheims, to summon Clovis secretly, urging him to introduce the king to the word of salvation. And the bishop sent for him secretly and began to urge him to believe in the true God, maker of heaven and earth, and to cease worshiping idols, which could help neither themselves nor any one else. But the king said: "I gladly hear you, most holy father; but there remains one thing: the people who follow me cannot endure to abandon their gods; but I shall go and speak to them according to your words." He met with his followers, but before he could speak the power of God anticipated him, and all the people cried out together: "O pious king, we reject our mortal gods, and we are ready to follow the immortal God whom Remi preaches." This was reported to the bishop, who was greatly rejoiced, and bade them get ready the baptismal font. . . .

The king was the first to ask to be baptized by the bishop. . . . And when he entered to be baptized, the saint of God began with ready speech: "Gently bend your neck, Sigamber;[2]

[1] St. Remigius.

[2] The Sigambri were one of the early tribes making up the Frankish confederacy. Their name is used here as synonymous with Frank.

worship what you burned; burn what you worshipped." The holy bishop Remi was a man of excellent wisdom and especially trained in rhetorical studies, and of such surpassing holiness that he equalled the miracles of Silvester. For there is extant a book of his life which tells that he raised a dead man. And so the king confessed all-powerful God in the Trinity, and was baptized in the name of the Father, Son and holy Spirit, and was anointed with the holy ointment with the sign of the cross of Christ. And of his army more than three thousand were baptized.

248. A Sermon against Heathenism [1]

St. Eloi (Eligius), the patron saint of goldsmiths, after having served as coiner to the Frankish king Clotaire II and as treasurer to his successor Dagobert, entered the priesthood and about 640 became bishop of Noyon. The people of the bishopric were at this time scarcely converted from heathenism, if we may judge from the following vigorous sermon which he once preached to them.

Before all things, however, I declare and testify unto you, that you should observe none of the impious customs of the pagans; neither sorcerers, nor diviners, nor soothsayers, nor enchanters; nor must you presume for any cause, or any sickness, to consult or inquire of them; for he who commits this sin immediately loses the sacrament of baptism. In like manner, pay no attention to auguries and sneezings; and, when you are on a journey, do not mind the singing of certain little birds. But, whether you are setting out on a journey, or beginning any other work, cross yourself in the name of Christ, and say the Creed and the Lord's Prayer with faith and devotion, and then the enemy can do you no harm.

Let no Christian observe the day on which he leaves, or returns, home; for God made all the days. Let none regulate the beginning of any piece of work by the day, or by the moon. Let none on the Calends of January [2] join in the wicked and ridiculous things, the dressing like old women, or like stags, or other fooleries, nor make feasts all night, nor keep up the custom of

[1] S. R. Maitland, *The Dark Ages* (Fifth Edition), London, 1890, pp. 178–181.
[2] New Year's Day.

gifts and intemperate drinking. . . . Let no one on the festival of St. John,[1] or on any of the festivals of the saints, join in *solstitia*, or dances, or leaping, . . . or diabolical songs. Let none trust in, or presume to invoke, the names of demons; neither Neptune, nor Orcus, nor Diana, nor Minerva, nor Geniscus, nor any other such follies. Let no one keep Thursday as a holy-day, either in May, or at any other time (unless it be some saint's day), or the day of moths and mice, or any day of any kind, but the Lord's Day. Let no Christian place lights at the temples, or the stones, or at fountains, or at trees, or *ad cellos*, or at places where three ways meet, or presume to make vows. Let none presume to hang amulets on the neck of man or beast; even though they be made by the clergy, and called holy things, and contain the words of Scripture; for they are fraught, not with the remedy of Christ, but with the poison of the Devil. Let no one presume to make lustrations, nor to enchant herbs, nor to make flocks pass through a hollow tree, or an aperture in the earth; for by so doing he seems to consecrate them to the Devil. Let no woman presume to hang amber beads on her neck; or in her weaving, or dyeing, or any other kind of work, to invoke Minerva, or the other ill-omened persons; but let her desire the grace of Christ to be present in every work and confide with her whole heart in the power of His name. If at any time the moon is darkened, let no one presume to make a clamour; for, at certain times, it is darkened by the command of God. Neither let anyone fear to set about any work at the new moon; for God has made the moon on purpose to mark the times, and to temper the darkness of the nights, not to hinder anybody's work, nor that it should make any man mad, as foolish persons think who suppose that those who are possessed by devils suffer from the moon. Let none call the sun or moon "Lord"; nor swear by them, for they are creatures of God; and, by the command of God, they are subservient to the necessities of men. Let no man have his fate or his fortune told, or his nativity, or what is commonly called his horoscope, so as to say that he shall be such as

[1] Midsummer Day, June 24, originally a heathen festival celebrating the summer solstice.

his horoscope shall indicate; for God will have all men to be saved, and come to the knowledge of the truth, and wisely dispenses all things even as He hath appointed before the foundation of the world. Moreover, as often as any sickness occurs, do not seek enchanters, nor diviners, nor sorcerers, nor soothsayers, or make devilish amulets at fountains, or trees, or cross-roads; but let him who is sick trust only in the mercy of God. . . . Forbid also the performance of all diabolical games, and dances, and songs of the heathen. Let no Christian perform them, because by them he becomes a heathen; for indeed it is not right that from a Christian mouth, which receives the sacraments of Christ, and which ought always to praise God, diabolical songs should proceed.

And therefore, brethren, eschew with your whole heart all inventions of the Devil, and fly from all the impieties which I have mentioned, with horror. You must show reverence to no creature beside God and His saints. Destroy the fountains which they call sacred; forbid them to make the images of feet which they place at the parting of roads, and if you find them, burn them with fire. Believe that you cannot be saved by any other means than by calling on Christ, and by His cross. For what a thing it is that if those trees, where these miserable men pay their vows, fall down, they will not use them to make their fires. And see how great the folly of the men is, if they pay honour to an insensible and dead tree, and despise the commands of Almighty God. Let not any man, then, believe that the heaven, or the stars, or the earth, or, in short, any creature whatsoever, is to be adored except God; because He, by Himself alone, created and arranged them.

249. Ordination Oath of St. Boniface to Pope Gregory II [1]

Winfrid or Wynfrith, afterward known as St. Boniface, was born about 680 in Devonshire, England. While still a young man, he became a Benedictine monk and taught grammar and theology in the monastery schools. A distinguished career in the English Church was opening to

[1] St. Boniface, *Epistulæ*, xvi. H. K. Mann, *The Lives of the Popes in the Middle Ages*, London, 1902–1925, vol. i, pt. ii, p. 159. Kegan Paul, Trench, Trubner, and Company, Ltd.

him, when the call came to leave friends and fatherland for the perilous work of a foreign missionary. He visited Rome and received from Pope Gregory II a commission to evangelize Germany east of the Rhine. Supported by the pope and under the protection of the Frankish ruler, Charles Martel, Boniface labored with great success in Frisia, Hesse, Thuringia, and Bavaria. He has been called the proconsul of the Papacy. First as bishop, then as archbishop, he was able to organize in Germany a strong Church, which looked to Rome for direction and control. The oath given below was taken by Boniface at the time of his consecration as bishop in 722 or less probably in 723. It follows almost word for word that taken by the suburbicarian bishops of Rome to the pope.

I, Boniface, by the grace of God, bishop, promise to thee, Blessed Peter, Prince of the Apostles, and to thy Vicar, the Blessed Pope Gregory and his successors, by the Father, Son and Holy Ghost, undivided Trinity, and by thy most holy body, to proclaim the whole Catholic faith in all its purity; and by the help of God, to remain steadfast in the unity of that faith, in which, without doubt, is the Christian's hope of salvation. Never, at the bidding of any one, will I do anything against the unity of the One Universal Church; but, as I have said, I will in all things be faithful and helpful to thee and to the interests of thy Church (to which God has given the power of binding and loosing), and thy said Vicar and his successors.

Moreover, I will hold no communion with any bishops who may contemn the canons, but, if I can, will prevent them from so doing; and, if I cannot, will denounce them to the Holy See.

And if, which God forbid, I should at any time or in any way act against this oath of mine, may I be found guilty at the last judgment and incur the penalty of Ananias and Saphira, who dared to speak a lie to you.

This oath, I, Boniface, a lowly bishop, have written out with my own hand; and, according to what is prescribed, have placed it on the most holy body of Blessed Peter, and, in the sight of God, have sworn to keep it.

250. Bishop Daniel's Instructions to St. Boniface [1]

Daniel, bishop of Winchester, in a letter to St. Boniface instructs him as to what means he should use in converting the heathen Germans to Christianity. The date is probably 724.

Out of devotion and goodwill, I have sought to make to thy prudence a few suggestions, that thou mayst know, how best in my judgment to overcome promptly the obstinacy of ignorant minds. Thou shouldst not offer opposition to them concerning the genealogy of their false gods. Thou shouldst suffer them rather, to claim that they were begotten by others through the intercourse of man and woman; then thou canst show that gods and goddesses who were born after the manner of men were men rather than gods, and in that they existed not before, had therefore a beginning.

When they have learned perforce that the gods had a beginning, since some were born of others, they must be asked whether they think this universe had a beginning or was always in existence. If it had a beginning, who created it? For certainly they cannot find for the gods begotten before the establishment of the universe any place where these could subsist and dwell; by the universe I mean not merely the visible earth and sky, but the whole extent of space, which the heathen themselves can grasp with the imagination. But if they maintain that the universe always existed without a beginning, seek to refute and convince them by many arguments and proofs. . . . Do they think the gods should be worshipped for temporal and present blessings, or for an eternal and future reward? If for a temporal, let them show in what respect the heathen are happier than the Christians. What again do the heathen mean to confer by their sacrifices upon their gods, who have all things under their sway; or why do the gods leave it in the power of those subject to them to decide what tribute to offer? If they need such things, why could they not themselves have made a better choice? If they do not need them, the people are wrong to suppose that the gods can be appeased with such offerings of victims.

[1] St. Boniface, *Epistulæ*, xxiii (xiv). Edward Kylie, *The English Correspondence of St. Boniface*, London, 1911, pp. 52–54. Chatto and Windus.

These questions, and many like them, which it would take too long to enumerate, thou shouldst propose to them in no irritating or offensive manner, but with the greatest calmness and moderation. And from time to time their superstitions should be compared with our, that is Christian, dogmas, and touched upon indirectly, so that the heathen more out of confusion than exasperation may blush for their absurd opinions, and recognize that their detestable rites and legends do not escape our notice.

251. Charlemagne's Saxon Capitulary [1]

The capitulary, *De partibus Saxoniæ*, was issued by Charlemagne probably in 782, after the close of one of his campaigns against the heathen Saxons of northwestern Germany. The severity of the Saxon war doubtless accounts for the stringent character of Charlemagne's regulations, which were intended to prevent a future uprising and to ensure the full acceptance of Christianity by his foes. The following are the more important religious clauses of the capitulary.

2. If any one shall have fled to a church for refuge, let no one presume to expel him from the church by violence, but he shall be left in peace until he shall be brought to the judicial assemblage; and on account of the honor due to God and the saints, and the reverence due to the church itself, let his life and all his members be granted to him. Moreover, let him plead his cause as best he can and he shall be judged; and so let him be led to the presence of the lord king, and the latter shall send him where it shall have seemed fitting to his clemency.

3. If any one shall have entered a church by violence and shall have carried off anything in it by force or theft, or shall have burned the church itself, let him be punished by death.

4. If any one, out of contempt for Christianity, shall have despised the holy Lenten fast and shall have eaten flesh, let him be punished by death. But, nevertheless, let it be taken into consideration by a priest, lest perchance any one from necessity has been led to eat flesh.

5. If any one shall have killed a bishop or priest or deacon, let him likewise be punished capitally.

[1] *Translations and Reprints*, vol. vi, No. 5, pp. 2–4. Translated by D. C. Munro.

6. If any one deceived by the devil shall have believed, after the manner of the pagans, that any man or woman is a witch and eats men, and on this account shall have burned the person, or shall have given the person's flesh to others to eat, or shall have eaten it himself, let him be punished by a capital sentence.

7. If any one, in accordance with pagan rites, shall have caused the body of a dead man to be burned and shall have reduced his bones to ashes, let him be punished capitally.

8. If any one of the race of the Saxons hereafter concealed among them shall have wished to hide himself unbaptized, and shall have scorned to come to baptism and shall have wished to remain a pagan, let him be punished by death.

9. If any one shall have sacrificed a man to the devil, and after the manner of the pagans shall have presented him as a victim to the demons, let him be punished by death.

10. If any one shall have formed a conspiracy with the pagans against the Christians, or shall have wished to join with them in opposition to the Christians, let him be punished by death; and whosoever shall have consented to this same fraudulently against the king and the Christian people, let him be punished by death.

17. Likewise, in accordance with the mandate of God, we command that all shall give a tithe of their property and labor to the churches and priests; let the nobles as well as the freemen, and likewise the *liti*,[1] according to that which God shall have given to each Christian, return a part to God.

18. That on the Lord's day no meetings and public judicial assemblages shall be held, unless perchance in a case of great necessity or when war compels it, but all shall go to the church to hear the word of God, and shall be free for prayers or good works. Likewise, also, on the especial festivals they shall devote themselves to God and to the services of the church, and shall refrain from secular assemblies.

19. Likewise, it has been pleasing to insert in these decrees that all infants shall be baptized within a year; and we have decreed this, that if any one shall have despised to bring his infant to baptism within the course of a year, without the advice

[1] Serfs.

or permission of the priest, if he is a noble he shall pay 120 *solidi* [1] to the treasury, if a freeman 60, if a *litus* 15.

22. We command that the bodies of Saxon Christians shall be carried to the church cemeteries and not to the mounds of the pagans.

252. Unsatisfactory Converts [2]

Some seventy years after the death of Charlemagne in 814 an unknown monk in the Swiss monastery of St. Gall wrote an account of the deeds of the great emperor. In contrast to Einhard's prosaic but reliable biography, that by the Monk of St. Gall is a mass of stories and inventions, from which it would tax the acumen of the most critical historian to separate any residuum of objective fact. The work has value, nevertheless, as showing how quickly the historic Charlemagne became replaced in the medieval mind by the Charlemagne of legend. In the following passage the monk refers to Northmen who descended upon the Frankish realm during the emperor's reign.

As I have mentioned the Northmen I will show by an incident drawn from the reign of your grandfather [3] in what slight estimation they hold faith and baptism. Just as after the death of the warrior King David, the neighbouring peoples, whom his strong hand had subdued, for a long time paid their tribute to his peaceful son Solomon: even so the terrible race of the Northmen still loyally paid to Lewis [4] the tribute which through terror they had paid to his father, the most august Emperor Charles. Once the most religious Emperor Lewis took pity on their envoys, and asked them if they would be willing to receive the Christian religion; and, when they answered that always and everywhere and in everything they were ready to obey him, he ordered them to be baptised in the name of Him, of whom the most learned Augustine says: "If there were no Trinity, the Truth would never have said: 'Go and teach all peoples, baptising them in

[1] The gold *solidus* was $\frac{1}{72}$ of a pound of gold.

[2] Monachus Sangallensis, *De gestis Caroli imperatoris*, ii, 19. A. J. Grant, *Early Lives of Charlemagne by Eginhard and the Monk of St. Gall*, London, 1907, pp. 153–154, Chatto and Windus.

[3] The Monk of St. Gall was writing by direction of the Carolingian ruler Charles III.

[4] Louis the Pious.

the name of the Father, Son and Holy Ghost.'" The nobles of the palace adopted them almost as children, and each received from the emperor's chamber a white robe and from their sponsors a full Frankish attire, of costly robes and arms and other decorations.

This was often done and from year to year they came in increasing numbers, not for the sake of Christ but for earthly advantage. They made haste to come, not as envoys any longer but as loyal vassals, on Easter Eve to put themselves at the disposal of the emperor; and it happened that on a certain occasion they came to the number of fifty. The emperor asked them whether they wished to be baptised, and when they had confessed he bade them forthwith be sprinkled with holy water. As linen garments were not ready in sufficient numbers he ordered shirts to be cut up and sewn together into the fashion of wraps. One of these was forthwith clapped upon the shoulders of one of the elder men; and when he had looked all over it for a minute, he conceived fierce anger in his mind, and said to the emperor: "I have gone through this washing business here twenty times already, and I have been dressed in excellent clothes of perfect whiteness; but a sack like this is more fit for clodhoppers than for soldiers. If I were not afraid of my nakedness, for you have taken away my own clothes and have given me no new ones, I would soon leave your wrap and your Christ as well."

253. King Olaf and the Idol of Thor [1]

The *Heimskringla* — the "Earth's Circle," so called from the first words in one of the manuscripts of the work — is a collection of sagas relating to the early Norwegian kings. The author, almost certainly, was the Icelandic antiquarian, historian, and poet, Snorri Sturlason, who wrote in the thirteenth century. One of the longest and most interesting of the sagas in the *Heimskringla* deals with the reign of Olaf II (1016–1029), whose crusading work in Norway earned for him the title of Olaf the Saint.

[1] *Saga of King Olaf (Haraldssön) the Saint*, 118–119. Samuel Laing, *The Heimskringla, or the Sagas of the Norse Kings*, London, 1889, vol. iii, pp 34–43. Edited by R. B. Anderson.

There was a man called Dale Gudbrand, who was like a king in the valley (Gudbrandsdal), but was only herse [1] in title. . . . Gudbrand had a son, who is here spoken of. . . . The king,[2] after the battle with the son of Gudbrand, had proceeded to Lidstad, and remained there for five days: afterwards he went out to meet the bonders, and hold a Thing [3] with them. On that day there fell a heavy rain. When the Thing was seated, the king stood up and said that the people in Lessö, Loar, and Vaage had received Christianity, broken down their houses of sacrifice, and believed now in the true God who had made heaven and earth and knows all things.

Thereupon the king sat down, and Gudbrand replies, "We know nothing of him whom thou speakest about. Dost thou call him God, whom neither thou nor any one else can see? But we have a god who can be seen every day, although he is not out to-day, because the weather is wet, and he will appear to thee terrible and very grand; and I expect that fear will mix with your very blood when he comes into the Thing. But since thou sayest thy God is so great, let him make it so that to-morrow we have a cloudy day but without rain, and then let us meet again."

The king accordingly returned home to his lodging, taking Gudbrand's son as a hostage; but he gave them a man as hostage in exchange. In the evening the king asked Gudbrand's son what like their god was. He replied, that he bore the likeness of Thor; had a hammer in his hand; was of great size, but hollow within; and had a high stand, upon which he stood when he was out. "Neither gold nor silver are wanting about him and every day he receives four cakes of bread, besides meat." Then they went to bed, but the king watched all night in prayer. When day dawned the king went to mass, then to table, and from thence to the Thing. The weather was such as Gudbrand desired. Now the bishop stood up in his chasuble, with bishop's mitre upon his head, and bishop's staff in his hands. He spoke to the bonders of the true faith, told the many wonderful acts of God, and concluded his speech well.

[1] A title of respect, applied to persons of property or consideration.
[2] King Olaf.
[3] Assembly.

Thord Istromaga replies, "Many things we are told of by this horned man [1] with the staff in his hand crooked at the top like a ram's horn; but since ye say, comrades, that your god is so powerful, and can do so many wonders, tell him to make it clear sunshine to-morrow forenoon, and then we shall meet here again, and do one of two things, — either agree with you about this business, or fight you." And they separated for the day.

There was a man with King Olaf called Kolbein Sterki, who came from a family in the Fjords district. Usually he was so equipped that he was girt with a sword, and besides carried a great stake, otherwise called a club, in his hands. The king told Kolbein to stand nearest to him in the morning; and gave orders to his people to go down in the night to where the ships of the bonders lay and bore holes in them, and to set loose their horses on the farms where they were: all which was done. Now the king was in prayer all the night, beseeching God of his goodness and mercy to release him from evil. When mass was ended, and morning was grey, the king went to the Thing. When he came there some bonders had already arrived, and they saw a great crowd coming along, and bearing among them a huge man's image glancing with gold and silver. When the bonders who were at the Thing saw it they started up, and bowed themselves down before the ugly idol. Thereupon it was set down upon the Thing-field; and on the one side of it sat the bonders, and on the other the king and his people.

Then Dale Gudbrand stood up, and said, "Where now, king, is thy god? I think he will now carry his head lower; and neither thou, nor the man with the horn whom ye call bishop, and sits there beside thee, are so bold to-day as on the former days; for now our god, who rules over all, is come, and looks on you with an angry eye: and now I see well enough that ye are terrified, and scarcely dare to raise your eyes. Throw away now all your opposition, and believe in the god who has all your fate in his hands."

The king now whispers to Kolbein Sterki, without the bonders perceiving it, "If it come so in the course of my speech that

[1] Alluding to the bishop's miter.

the bonders look another way than towards their idol, strike him as hard as thou canst with thy club."

The king then stood up and spoke. "Much hast thou talked to us this morning, and greatly hast thou wondered that thou canst not see our God; but we expect that he will soon come to us. Thou wouldst frighten us with thy god, who is both blind and deaf, and can neither save himself nor others, and cannot even move about without being carried; but now I expect it will be but a short time before he meets his fate: for turn your eyes towards the east, — behold our God advancing in great light."

The sun was rising, and all turned to look. At that moment Kolbein gave their god a stroke, so that the idol burst asunder; and there ran out of it mice as big almost as cats, and reptiles, and adders. The bonders were so terrified that some fled to their ships; but when they sprang out upon them they filled with water, and could not get away. Others ran to their horses, but could not find them. The king then ordered the bonders to be called together, saying he wanted to speak with them; on which the bonders came back, and the Thing was again seated.

The king rose up and said, "I do not understand what your noise and running mean. Ye see yourselves what your god can do, — the idol ye adorned with gold and silver, and brought meat and provisions to. Ye see now that the protecting powers who used it were the mice and adders, reptiles and paddocks; and they do ill who trust to such, and will not abandon this folly. Take now your gold and ornaments that are lying strewed about on the grass, and give them to your wives and daughters; but never hang them hereafter upon stock or stone. Here are now two conditions between us to choose upon, — either accept Christianity, or fight this very day: and the victory be to them to whom the God we worship gives it."

Then Dale Gudbrand stood up and said, "We have sustained great damage upon our god; but since he will not help us, we will believe in the God thou believest in."

Then all received Christianity. The bishop baptized Gudbrand and his son. King Olaf and Bishop Sigurd left behind

them teachers, and they who met as enemies parted as friends; and Gudbrand built a church in the valley.

254. The "White Christ" [1]

Faith in the old heathen gods had become rather weak and lifeless even before the introduction of Christianity into Norway, if we may judge from this story of a typical Viking's conversion.

When King Olaf was arrived at Stiklestad, it happened, among other circumstances, that a man came to him; and although it was nowise wonderful that there came many men from the districts, yet this must be regarded as unusual, that this man did not appear like the other men who came to him. He was so tall that none stood higher than up to his shoulders; very handsome he was in countenance, and had beautiful fair hair. He was well armed; had a fine helmet, and ring armour; a red shield; a superb sword in his belt; and in his hand a gold-mounted spear, the shaft of it so thick that it was a handful to grasp. The man went before the king, saluted him, and asked if the king would accept his services.

The king asked his name and family. . . .

He replies, "My family is in Jemteland and Helsingeland, and my name is Arnliot Gelline; but this I must not forget to tell you, that I came to the assistance of those men you sent to Jemteland to collect scatt, and I gave into their hands a silver dish, which I sent you as a token that I would be your friend."

Then the king asked Arnliot if he was a Christian or not.

He replied, "My faith has been this, to rely upon my power and strength, and which faith hath hitherto given me satisfaction; but now I intend rather to put my faith, sire, in thee."

The king replies, "If thou wilt put faith in me, thou must also put faith in what I will teach thee. Thou must believe that Jesus Christ has made heaven and earth, and all mankind, and to him shall all those who are good and rightly believing go after death."

[1] *Saga of King Olaf (Haraldssön) the Saint*, 227. Samuel Laing, *The Heimskringla, or the Sagas of the Norse Kings*, London, 1889, vol. iii, pp. 243–245. Edited by R. B. Anderson.

Arnliot answers, "I have indeed heard of the White Christ, but neither know what he proposes, nor what he rules over; but now I will believe all that thou sayest to me, and lay down my lot in your hands."

Thereupon Arnliot was baptized. The king taught him so much of the holy faith as appeared to him needful, and placed him in the front rank of the order of battle, in advance of his banner, where also Gauka-Thore and Afrafaste with their men were.

SECTION XV

THE CHURCH AND THE PAPACY

255. The Seven Orders [1]

Ælfric the " Grammarian ".(*c.* 955–*c.* 1020), first abbot of Eynsham (Ensham), near Oxford, was also an industrious author. His surviving works include a pastoral letter, in both Latin and English, for Wulfstan, archbishop of York. The following extract from the Latin version (secs. 34–37) gives a succinct account of the seven orders of the clergy.

Beloved, seven orders are appointed in books for God's ministries in Christ's Church. One is ostiarius, the second is lector, the third exorcista, the fourth acoluthus, the fifth subdiaconus, the sixth diaconus, the seventh presbyter or episcopus. Ostiarius is the doorkeeper, who holds the keys of the church. Lector is the reader who reads in church. Exorcista is an adjuror, who reads over men diseased in mind, and the infirm. Acoluthus is he who bears the light at God's ministries. Subdiaconus is the under deacon, who bears the chalice and the dish at the mass, and ministers to the deacon. Diaconus the minister is called who ministers to the mass-priest, or to the bishop, at the mass, and reads the gospel; he may also give the bread, and baptize children, if need be.

Beloved, understand that both are of one order, the bishop and the mass-priest, that is, of the seventh church order, as holy books tell us; and both celebrate mass, and preach to men, and both ought alike to observe chastity, and preach righteousness to other men, and set good example; and no order is reckoned for the holy ministry, except the seven orders which we have before mentioned.

The bishop is, however, appointed in some degree for greater benediction than the mass-priest; that is, to hallow churches, and to ordain priests, to confirm men, and to bless the oil; because it were too multifarious if all mass-priests must do this.

[1] S. H. Gem, *An Anglo-Saxon Abbot, Ælfric of Eynsham*, Edinburgh, 1912, pp. 80–82. T. and T. Clark.

It is proper for priests, however, on account of that seniority, to be humbly subordinate to their bishop, and live by his direction and wisdom; and that he superintend them, and head their courses, so as his name represents, his name is called *episcopus*, that is in English, overseeing, because he constantly oversees his subordinates, and directs them to proper manners, even as he can most earnestly.

256. The Priesthood [1]

The *Summoning of Everyman*, that dramatic masterpiece of the later Middle Ages, is one of the half-dozen moralities probably to be assigned to the fifteenth century. The theme is simple: God sends Death for Everyman, who finds that none of his friends will accompany him save Good Deeds. Whether *Everyman* is the original or a translation of the closely similar Dutch *Elckerlijk*, remains unknown. Possibly, the two plays have a common source. The author was doubtless a clergyman, whose ecclesiastical habit becomes clear enough in the passage here quoted relating to the priesthood.

Everyman. My friends, hark what I will you tell:
I pray God reward you in His heavenly sphere:
Now hearken all that be here;
For I will make my testament
Here before you all present:
In alms half my good I will give with my hands twain
In the way of charity with good intent,
And the other half still shall remain:
I it bequeath to be returned there it ought to be.
This I do in despite of the fiend of hell,
To go quit out of his peril
Ever after this day.

Knowledge. Everyman, hearken what I will say;
Go to priesthood, I you advise,
And receive of him in any wise
The holy sacrament and ointment together,
Then shortly see ye turn again hither,
We will all abide you here.

[1] J. S. Farmer, *Six Anonymous Plays* (First Series), London, 1905, pp. 115–117. Early English Drama Society.

Five Wits. Yea, Everyman, hie you that ye ready were:
There is no emperor, king, duke, ne [1] baron,
That of God hath commission,
As hath the least priest in the world being;
For the blessed sacraments pure and benign
He beareth the keys, and thereof hath cure
For man's redemption, it is ever sure,
Which God for our soul's medicine
Gave us out of his heart with great pain,
Here in this transitory life for thee and me:
The blessed sacraments seven there be,
Baptism, confirmation, with priesthood good,
And the sacrament of God's precious flesh and blood,
Marriage, the holy extreme unction, and penance;
These seven be good to have in remembrance,
Gracious sacraments of high divinity.

Everyman. Fain would I receive that holy body,
And meekly to my ghostly father I will go.

Five Wits. Everyman, that is the best that ye can do;
God will you to salvation bring,
For good priesthood exceedeth all other thing;
To us holy scripture they do teach,
And converteth man fro[m] sin heaven to reach;
God hath to them more power given
Than to any angel that is in heaven:
With five words he may consecrate
God's body in flesh and blood to take,
And handleth his Maker between his hands,
The priest bindeth and unbindeth all bands
Both in earth and in heaven;
He ministers all the sacraments seven:
Though we kiss thy feet, thou wert worthy:
Thou art the surgeon that cureth sin deadly,
No remedy may we find under God,
But all only priesthood.
Everyman, God gave priest[s] that dignity,

[1] Nor.

And setteth them in His stead among us to be;
Thus be they above angels in degree.
Knowledge. If priest[s] be good, it is so surely,
But when Jesu heng on the cross with great smart,
There he gave us out of his blessed heart
The same sacrament in great torment.
He sold them not to us, that Lord omnipotent;
Therefore Saint Peter the Apostle doth say,
That Jesus' curse hath all they,
Which God their Saviour do buy or sell,
Or they for any money do take or tell,
Sinful priests giveth the sinners example bad,
Their children sitteth by other men's fires, I have heard,
And some haunteth women's company,
With unclean life, as lusts of lechery;
These be with sin made blind.
Five Wits. I trust to God, no such may we find:
Therefore let us priesthood honour,
And follow their doctrine for our soul's succour;
We be their sheep, and they our shepherds be,
By whom we all be kept in surety.
Peace! for yonder I see Everyman come,
Which hath made true satisfaction.
Good Deeds. Methink it is he indeed.
Everyman. Now Jesu Christ be your alder speed![1]
I have received the sacrament for my redemption,
And then mine extreme unction;
Blessed be all they that counselled me to take it:
And now, friends, let us go without longer respite;
I thank God that ye have tarried so long.
Now set each of you on this rod[2] your hand,
And shortly follow me;
I go before, there I would be:
God be our guide.

[1] Speed in help of all.
[2] Road.

257. Chaucer's Parson [1]

Chaucer's *Canterbury Tales*, with the famous *Prologue*, date from about 1387. The pilgrims to St. Thomas Becket's shrine, whom Chaucer imagines to have assembled at the Tabard Inn in Southwark, across the river from London, are said to have numbered "wel nyne and twenty in a compaignye." The *Prologue*, here quoted in a modernized version, gives full-length sketches of most of them.

A good man, of religious orders one,
But poor, came next, the parson of a town;
But rich was he in holy thought and work.
He was besides a learned man, a clerk,
That Christ's pure gospel truthfully would preach;
His parish-flock devoutly would he teach.
Benign he was, and wondrous diligent,
And in adversity full patiént;
And such he many a time was proved to be.
To curse men for his tithes full loath was he,
But rather would he give, beyond a doubt,
Unto his poor parishioners about
Out of his stipend, and his own beside.
A moderate sum his every want supplied.
His parish wide had houses far asunder,
And yet he never ceased, for rain or thunder,
To visit, if misfortune should befall,
The farthest in his parish, great and small;
Upon his feet, with staff in hand, he went.
This fine example to his sheep he lent,
That first he worked, and afterward he taught;
Out of the gospel that advice he caught;
This apologue he added eke thereto,
That, if gold rust, then what will iron do?
For if a priest be foul, in whom we trust,
No wonder though a layman then should rust;
And shame it is — let priests the warning keep —
To see a shepherd foul, though clean the sheep.

[1] Chaucer, *Prologue*, 477–528. W. W. Skeat, *The Prologue to the Canterbury Tales*, London, 1907, pp. 23–25. Chatto and Windus.

Well ought a priest example fair to give,
By purity, how that his sheep should live.
He never let his benefice to hire
And left his sheep encumbered in the mire,
And ran to London, to St. Paul's, to gain
A chantry, singing for men's souls in pain,
Nor sought in some fraternity to dwell;
But stayed at home, and kept his flock full well,
Lest e'er the wolf should cause it to miscarry;
A shepherd was he, and no mercenary.
And though he holy were and virtuous,
Was n'er to sinful men contemptuous,
Nor haughty, nor disdainful in his speech,
But wisely and benignly would he teach.
To draw his folk to heaven by kindliness
And good example, was his business.
But if he found a sinner obstinate,
Whoe'er he were, of high or low estate,
Him would he sharply of his sin remind.
A better priest, I trow, could no one find.
Obsequious honour would he ne'er expect,
Nor would pretended holiness affect;
But all that Christ and His apostles taught
He preached, and first himself their lessons wrought.

258. Benefit of Clergy [1]

The English Church in the twelfth century claimed the privilege of judging all cases which involved its own officers. No layman, it was said, ought to interfere with one who, by the sacrament of ordination, had been dedicated to God. The Common Law courts accepted this claim so far as to abandon the death penalty assigned to some offenses, when the person convicted was a cleric (*clericus*). A secondary punishment had to be inflicted, however, in such cases. The term *clericus* always included a large number of persons in minor orders, and in 1350 the privilege of benefit of clergy was extended to secular as well as to religious clerks. The partial exemption secured by the Church did not

[1] Richard of Bury, *Philobiblon*, 4. E. C. Thomas, *The Philobiblon of Richard de Bury*, London, 1888, pp. 173–175. Kegan Paul, Trench, Trubner, and Company, Ltd.

apply to the more atrocious crimes, which came therefore to be described as "unclergyable." Benefit of clergy was finally abolished by a statute of 1827. Its operation is thus described by Richard of Bury, whose delightful *Philobiblon*, written in praise of books, appeared in the early fourteenth century.

Do ye[1] remember, therefore, we pray, how many and how great liberties and privileges are bestowed upon the clergy through us. In truth, taught by us, who are the vessels of wisdom and intellect, ye ascend the teacher's chair and are called of men, Rabbi. By us ye become marvellous in the eyes of the laity, like great lights in the world, and possess the dignities of the Church according to your various stations. By us, while ye still lack the first down upon your cheeks, ye are established in your early years and bear the tonsure on your heads, while the dread sentence of the Church is heard, "Touch not mine anointed, and do my prophets no harm"; and he who has rashly touched them let him forthwith, by his own blow, be smitten violently with the wound of an anathema.

At length, yielding your lives to wickedness, . . . ye let go the lot of God which ye had first assumed, becoming companions of thieves. And thus, ever going from bad to worse, dyed with theft and murder and manifold impurities, your fame and conscience stained by sins, at the bidding of justice ye are confined in manacles and fetters, and are kept to be punished by a most shameful death. . . .

Now all refuge has perished, for ye must stand before the judgment seat, and there is no appeal, but only hanging is in store for you. While the wretched man's heart is thus filled with woe, and only the sorrowing Muses bedew their cheeks with tears, in his strait is heard on every side the wailing appeal to us, and to avoid the danger of impending death he shows the slight sign of the ancient tonsure which we bestowed upon him, begging that we may be called to his aid and bear witness to the privilege bestowed upon him.

Then straightway, touched with pity, we run to meet the prodigal son and snatch the fugitive slave from the gates of

[1] *I.e.*, clergymen.

death. The book he has not forgotten is handed to him to be read, and while, with lips stammering with fear, he reads a few words, the power of the judge is loosed, the accuser is withdrawn, and death is put to flight. O marvellous virtue of an empiric verse![1] O saving antidote of dreadful ruin! O precious reading of the psalter, which for this alone deserves to be called the book of life! Let the laity undergo the judgment of the secular arm, that, either sewn up in sacks they may be carried out to Neptune, or planted in the earth may fructify for Pluto, or may be offered amid the flames as a fattened holocaust to Vulcan, or at least may be hung up as a victim to Juno; while our nursling, at a single reading of the book of life, is handed over to the custody of the bishop, and rigour is changed to favour, and the forum being transferred from the laity, death is routed by the clerk who is the nursling of books.[2]

259. The Law of Sanctuary [3]

A medieval church building, like a pagan temple, was a sanctuary, where any lawbreaker enjoyed for a limited time the privilege of safe refuge. It was considered a sin against God to drag even the most wicked criminal from the altar. The most that could be done was to deny the refugee food, so that he might come forth voluntarily. This privilege of seeking sanctuary was not without social usefulness, for it gave time for angry passions to cool, thus permitting an investigation of the charges against an offender. Henry II's law on the subject was enacted in 1180.

Whatever accused or guilty person shall flee to a church for the sake of protection, from the time that he shall have reached the porch of such church, he shall on no account be seized by any one pursuing him, except only by the bishop or by his servant.[4] And if, on his flight, he shall enter the house of a priest or his courtyard, he is to have the same security and protection

[1] The first verse of Psalm li, generally known as the "neck-verse," reading of which became the test of being a clerk.

[2] A Church court might not inflict capital punishment.

[3] Roger of Hoveden, *Chronica, sub anno* 1180. H. T. Riley, *The Annals of Roger de Hoveden*, London, 1853, vol. i, p. 542. G. Bell and Sons, Ltd.

[4] The fugitive was safe for forty days in a sanctuary.

as he would have had in the church, supposing always that the priest's house and courtyard are standing upon the land of the Church. If the person is a thief or burglar, that which he has wrongfully taken, if he has it in his possession, he is to restore, and if he has entirely made away with it, and has anything of his own by which to make restitution, he is to make restitution in full to him whom he has injured. And if the thief has thus acted according to his usual practice, and shall happen to have frequently made his escape to churches and priests' houses, then, after making restitution of what he has taken away, he is to abjure that county, and not to return thereto; and if he does not make restitution, no one is to presume to harbour him, unless with leave granted by the king.

260. Observance of the Lord's Day [1]

The General Admonition made by Charlemagne in the Diet held at Aachen in 789 contains (sec. 80) the following rigid Sunday laws.

We command, agreeably to the precept laid down in the law of God, that no servile work whatsoever be wrought on the Lord's Day, even as my father [2] of good memory commanded in his synodal edicts, that men must not engage in any agricultural labor, such as working in the vineyard or the field, they must not plough, reap, cut grass, or set fences, or in the woods dig for roots or fell trees; they must not work in quarries or build houses, attend to gardening, hold meetings, or go hunting.

Only three kinds of carriage are allowed on the Lord's Day, that of sacred vessels, of provisions, and, in case of great necessity, of a body for burial.

The women likewise must not weave, cut garments, sew, embroider, spin wool, beat flax, wash clothes in public, or cleanse sheep, so that in every way the honor and rest of the Lord's Day be observed.

But let all men everywhere attend solemn Mass, and praise God for all the benefits He provides for us on that day.

[1] J. I. Mombert, *A History of Charles the Great* (*Charlemagne*), New York, 1888 p. 319. D. Appleton and Company.

[2] Pepin (Pippin) the Short.

261. Aquinas on Heresy [1]

It is difficult for those who live in an age of religious toleration to understand the horror which heresy inspired in the Middle Ages. A heretic was a traitor to the Church, for he denied the doctrines believed to be essential to salvation. The medieval attitude in this matter is clearly stated by St. Thomas Aquinas in his *Summa Theologica* ("Sum of Theology"), which gathered up and expounded in scholastic fashion all that the Church taught concerning the relations between God and man.

With regard to heretics two elements are to be considered, one element on their side, and the other on the part of the Church. On their side is the sin whereby they have deserved, not only to be separated from the Church by excommunication, but also to be banished from the world by death. For it is a much heavier offence to corrupt the faith, whereby the life of the soul is sustained, than to tamper with the coinage, which is an aid to temporal life. Hence if coiners or other malefactors are at once handed over by secular princes to a just death, much more may heretics, immediately they are convicted of heresy, be not only excommunicated, but also justly doomed to die. But on the part of the Church is mercy in view of the conversion of them that err; and therefore she does not condemn at once, but "after the first and second admonition," [2] as the Apostle teaches. After that, however, if the man is still found pertinacious, the Church having no hope of his conversion, provides for the safety of others, cutting him off from the Church by the sentence of excommunication; and further she leaves him to the secular tribunal to be exterminated from the world by death.

262. Bull of Nicholas III against Heretics [3]

This very sweeping bull was issued in 1280.

We hereby excommunicate and anathematize all heretics, the Cathari, Patareni,[4] the Poor Men of Lyon,[5] Passageni,

[1] Joseph Rickaby, *Aquinas Ethicus: or, the Moral Teaching of St. Thomas* (Second Edition), London, 1896, vol. ii, pp. 332–333. Burns and Oates, Ltd.

[2] *Titus*, iii, 10.

[3] O. J. Thatcher and E. H. McNeal, *A Source Book for Mediæval History*, New York, 1905, pp. 309–310. Charles Scribner's Sons.

[4] Patarins [5] Waldenses.

Josepheni, the Arnoldists, Speronists, and all others by whatever name they may be called. When condemned by the church, they shall be given over to the secular judge to be punished. Clergymen shall be degraded before being punished. If any, after being seized, repent and wish to do proper penance, they shall be imprisoned for life. We condemn as heretics all who believe the errors of heretics. We decree that all who receive, defend, or aid heretics, shall be excommunicated. . . . Those who associate with the excommunicated shall themselves be excommunicated and properly punished. If those who are suspected of heresy can not prove their innocence, they shall be excommunicated. If they remain under the ban of excommunication a year, they shall be condemned as heretics. They shall have no right of appeal. If judges, advocates, or notaries serve them in an official way, they shall be deprived of their office. The clergy shall not administer to them the sacraments, nor give them a part of the alms. If they do, they shall be deprived of their office and they can never be restored to it without the special permission of the pope. Whoever grants them Christian burial shall be excommunicated until he makes proper satisfaction. He shall not be absolved until he has with his own hands publicly dug up their bodies and cast them forth, and no one shall ever be buried in the same place. We prohibit all laymen to discuss matters of the catholic faith. If any one does so, he shall be excommunicated. Whoever knows of heretics, or those who are holding secret meetings, or those who do not conform in all respects to the orthodox faith, shall make it known to his confessor, or to some one else who will bring it to the knowledge of the bishop or the inquisitor. If he does not do so, he shall be excommunicated. Heretics and all who receive, support, or aid them, and all their children to the second generation, shall not be admitted to an ecclesiastical office or benefice. If any such have been admitted, their admission is illegal and invalid. For we now deprive all such of their benefices forever. . . . If parents with their children have been freed from excommunication, and their parents afterwards return to the heresy, their children are, by their parents' act, again brought under excommunication.

263. The Albigenses [1]

The most important heresy to develop during the later Middle Ages was that of the Albigenses, so called from the town of Albi in southern France, where many of them lived. Their doctrines are not well known, but they seem to have believed in the existence of two gods — one good (whose son was Christ), the other evil (whose son was Satan). The Albigenses even set up a rival Church, with its priests, bishops, and councils. The failure of attempts to convert the Albigenses by peaceful means led Pope Innocent III to preach a crusade against them (1209–1229). The Albigensian sect did not disappear, however, for more than a century, and then only after numberless trials and executions. The following description of it is from the pen of an early fourteenth-century inquisitor.

It would take too long to describe in detail the manner in which these same Manichean [2] heretics preach, and teach their followers, but it must be briefly considered here.

In the first place they usually say of themselves that they are good Christians, who do not swear, or lie, or speak evil of others; that they do not kill any man or animal nor any thing having the breath of life, and that they hold the faith of the Lord Jesus Christ and His Gospel as Christ and His Apostles taught. They assert that they occupy the place of the apostles, and that on account of the above mentioned things those of the Roman Church, namely, the prelates, clerks and monks, persecute them, especially the Inquisitors of Heresy, and call them heretics, although they are good men and good Christians, and that they are persecuted just as Christ and his apostles were by the Pharisees.

They moreover talk to the laity of the evil lives of clerks and the prelates of the Roman Church, pointing out and setting forth their pride, cupidity, avarice and uncleanness of life and such other evils as they know. They invoke with their own interpretation and according to their abilities the authority of the Gospels and the Epistles against the condition of the prelates,

[1] Bernard of Gui, *Practica inquisitionis heretice pravitatis*, v, 1, 4; *Translations and Reprints*, vol. iii, No. 6, pp. 9–10. Translated by J. H. Robinson.

[2] The Albigensian heresy seems to have incorporated various Manichæan beliefs

churchmen and monks, whom they call Pharisees and false prophets, who say but do not.

Then they attack and vituperate, one after the other, all the sacraments of the church, especially the sacrament of the Eucharist, saying that it cannot contain the body of Christ, for had this been as great as the largest mountain Christians would have consumed it entirely before this. . . . Of baptism, they assert that water is material and corruptible, and is therefore the creation of the Evil Power and cannot sanctify the soul, but that the churchmen sell this water out of avarice, just as they sell earth for the burial of the dead, and oil to the sick when they anoint them, and as they sell the confession of sins as made to the priests. Hence, they claim that confession made to the priests of the Roman Church is useless, and that, since the priests may be sinners, they can not loose nor bind, and being unclean themselves, can not make another clean. They assert, moreover, that the Cross of Christ should not be adored or venerated. . . . They proclaim many other scandalous things in regard to the sacraments. They, moreover, read from the Gospels and the Epistles in the vulgar tongue, applying and expounding them in their favor and against the condition of the Roman Church in a manner which it would take too long to describe in detail, but all that relates to this subject may be read more fully in the books they have written and infected, and may be learned from the confessions of such of their followers as have been converted.

264. The Waldenses [1]

The followers of Peter Waldo, a rich merchant of Lyons who lived in the twelfth century, sought a reformation in the Church. They condemned the luxury of the clergy and urged that Christians should live like the Apostles, charitable and poor. The Bible was for them a sufficient guide to the religious life, and so they translated parts of it and allowed every one to preach, without distinction of age or rank or sex. The Waldenses spread through many European countries, but being poor

[1] Walter Map, *De nugis curialium*, i, 31. Frederick Tupper and M. B. Ogle, *Master Walter Map's Book De Nugis Curialium* (*Courtiers' Trifles*), London, 1924, pp. 76–77. Chatto and Windus.

and lowly men they did not exert much influence as reformers. There is an interesting reference to them in Walter Map's book on *Courtiers' Trifles*.

I saw in the Council of Rome,[1] under the celebrated Alexander, third Pope of the name, Waldenses, illiterate laymen, called from their founder Waldes[2] a citizen of Lyons on the Rhône. These presented to His Holiness a book written in the French tongue, containing the text and gloss of the Psalter and of very many books of both Old and New Testaments.[3] They besought him with great importunity to confirm the licence of their preaching, because they seemed to themselves experts, although they were mere smatterers. . . .

I, the least of the many thousand who were called to the council, derided them, because their petition produced so much higgling and hesitation, and when I was summoned by a certain great bishop, to whom that mightiest of Popes had entrusted the charge of confessions, I sat down, "a mark for their arrows." After many masters of the law and men of learning had been admitted, there were brought before me two Waldenses who seemed the chief of their sect, eager to argue with me about the faith, not for the love of seeking the truth, but that, by convicting me of error, they might stop my mouth as of "one speaking lies." I sat full of fear — I confess — lest, under pressure of my sins, the power of speech in so great a council should be denied me. The bishop ordered me, who was making ready to reply, to try my eloquence against them. At the outset I suggested the easiest questions, which anybody should be able to answer, for I knew that when an ass is eating thistles, its lips disdain lettuce: "Do you believe in God the Father?" They answered, "We believe." "And in the Son?" They replied, "We believe." "And in the Holy Spirit?" Their reply still was, "We believe." I kept on, "In the Mother of Christ?" And they again, "We believe." Amid the derisive shouts of all, they withdrew in

[1] The Lateran Council of 1179.

[2] Waldo.

[3] This was the translation of the Bible into Provençal which Waldo had caused to be prepared.

discomfiture, which was richly deserved, because they were ruled by none, and sought to be made rulers, like Phaëthon who "did not know the names of his horses." [1]

These have nowhere a fixed abode, but wander about by two and two, barefooted, clad in sheepskins, possessing nothing, "having all things in common" like the apostles, naked following the naked Christ. Now their beginnings are lowly because they can find no entrance anywhere, for, should we let them in, we should be driven out.

265. Reply of Wycliffe to the Papal Summons [2]

Beliefs very similar to those of the Waldenses were upheld by John Wycliffe (1320–1384), master of an Oxford college, the foremost schoolman of his age, and a popular preacher. He, too, appealed from the authority of the Church to the authority of the Bible. The Latin letter written by Wycliffe in 1384 to Pope Urban VI, who had cited him to Rome to answer charges of heresy, was translated (in somewhat enlarged form) into English, for distribution among the reformer's followers. It is given below in a slightly modernized version.

I have joy fully to tell what I hold, to all true men that believe and especially to the Pope; for I suppose that if my faith be rightful and given of God, the Pope will gladly confirm it; and if my faith be error, the Pope will wisely amend it.

I suppose over this that the gospel of Christ be heart of the corps [3] of God's law; for I believe that Jesus Christ, that gave in his own person this gospel, is very God and very man, and by this heart passes all other laws.

I suppose over this that the Pope be most obliged to the keeping of the gospel among all men that live here; for the Pope is highest vicar that Christ has here in earth. For moreness of Christ's vicar is not measured by worldly moreness, but by this, that this vicar follows more Christ by virtuous living; for thus teacheth the gospel, that this is the sentence of Christ.

And of this gospel I take as believe, that Christ for time that

[1] The answers of the Waldenses excited derision apparently because they placed the Virgin Mary on a level with the persons of the Trinity.

[2] *Select English Works of John Wyclif*, Oxford, 1871, vol. iii, pp. 504–506; *Translations and Reprints*, vol. ii, No. 5, pp. 13–14.

[3] Body.

he walked here, was most poor man of all, both in spirit and in having [possessions]; for Christ says that he had nought for to rest his head on. And Paul says that he was made needy for our love. And more poor might no man be, neither bodily nor in spirit. And thus Christ put from him all manner of worldly lordship. For the gospel of John telleth that when they would have made Christ king, he fled and hid him from them, for he would none such worldly highness.

And over this I take it as believe, that no man should follow the Pope, nor no saint that now is in heaven, but in as much as he [1] follows Christ. For John and James erred when they coveted worldly highness; and Peter and Paul sinned also when they denied and blasphemed in Christ; but men should not follow them in this, for then they went from Jesus Christ. And this I take as wholesome counsel, that the Pope leave his worldly lordship to worldly lords, as Christ gave them, — and move speedily all his clerks to do so. For thus did Christ, and taught thus his disciples, till the fiend [2] had blinded this world. And it seems to some men that clerks that dwell lastingly in this error against God's law, and flee to follows Christ in this, been open heretics, and their fautors [3] been partners.

And if I err in this sentence, I will meekly be amended, yea, by the death, if it be skilful,[4] for that I hope were good to me. And if I might travel in mine own person, I would with good will go to the Pope.[5] But God has needed me to the contrary, and taught me more obedience to God than to men. And I suppose of our Pope that he will not be Antichrist, and reverse Christ in this working, to the contrary of Christ's will; for if he summon against reason, by him or by any of his, and pursue this unskilful summoning, he is an open Antichrist. And merciful intent excused not Peter, that Christ should not clepe [6] him

[1] *I.e.*, the pope.
[2] The Devil.
[3] Supporters.
[4] Necessary.
[5] Shortly before this letter was written Wycliffe had been seized with a paralytic stroke, which made a journey to Rome quite out of the question.
[6] Call.

Satan; so blind intent and wicked counsel excuses not the Pope here; but if he ask of true priests that they travel more than they may, he is not excused by reason of God, that he should not be Antichrist. For our belief teaches us that our blessed God suffers us not to be tempted more than we may; how should a man ask such service? And therefore pray we to God for our pope Urban the sixth, that his old [1] holy intent be not quenched by his enemies. And Christ, that may not lie, says that the enemies of a man been especially his home family; and this is sooth [2] of men and fiends.

266. The Hussite Heresy [3]

The doctrines of Wycliffe found favor with Anne of Bohemia, wife of King Richard II, and through her they reached that country. Here they attracted the attention of John Huss, a distinguished scholar in the University of Prague. Wycliffe's writings confirmed Huss in his criticism of the clergy, his objections to the papal supremacy, and his assertion of the right of private judgment in religious matters. The views of Huss, both original and derived, were embodied in the treatise *The Church*, one of the most important theological works issued from the time of St. Augustine to the Reformation period. The Bohemian reformers in the fifteenth century and Luther and his followers in the following century found in it an arsenal of arguments for their attacks on the Papacy. The work has further interest as furnishing most of the material for the charges brought against Huss at the Council of Constance (1415), where he was condemned and burnt as a heretic. The selection below is from a translation of the treatise as it appears in the earliest collected edition of Huss's works, published at Nuremberg in 1538.

From these and other sayings it is evident that no pope is the manifest and true successor of Peter, the prince of the apostles, if in morals he lives at variance with the principles of Peter; and, if he is avaricious, then is he the vicar of Judas, who loved the reward of iniquity and sold Jesus Christ. And by the same kind of proof the cardinals are not the manifest and true successors of the college of Christ's other apostles unless the cardinals

[1] *I.e.*, early.

[2] True.

[3] Jan Hus, *De ecclesia*, 14–15. D. S. Schaff, *The Church by John Huss*, New York, 1915, pp. 143–149. Charles Scribner's Sons.

live after the manner of the apostles and keep the commands and counsels of our Lord Jesus Christ. For, if they climb up by another way than by the door of our Lord Jesus Christ, then are they thieves and robbers. . . .

Hence, if the cardinals heap up to themselves ecclesiastical livings and barter with them and take money for their sale either themselves or through others, and so devour and consume in luxurious living the goods of the poor, and if they do not do miracles or preach the Word of God to the people or pray sincerely or fill the place of deacons . . . in how far, I ask, are they the vicars of the apostles? [Not] in this that they heap up livings or, like Gehazi, seize upon gifts, or because very early in the morning they come into the pope's presence clad in the most splendid apparel, and attended with the most sumptuous retinue of horsemen — thus attended, not on account of the distance of place or difficulty of the journey but to show their magnificence to the world and their contrariety to Christ and his apostles, who went about among the towns, cities, and castles clad in humble garb, on foot, preaching — *evangelizando* — the kingdom of God.

Nor in this are they the true and manifest vicars of Christ that they permit themselves to be adored of men on bended knee or that they surround the pope with visitors from abroad, that while he sits on high, splendidly apparelled even down to his feet, yea and far beyond his chair, they with bended knee humbly seek the kisses of his blessed feet, as if the sanctity of this father, the pope, would descend even to the place where his foot is planted. . . .

It is said goodness in a pope is like salt for all, and badness in him inures to the damnation of persons without number. If, therefore, the pope and the cardinals by pompous equipages, resplendence of dress, exquisite and wonderful furnishings, by excessive anxiety to heap up benefices or money, and by the manifest ambition for honour in greater measure than secular laymen — if they offend those who believe in Christ — how is it that they always and necessarily continue to be essential "for the government of the universal church as manifest and true

successors in the office of Peter and Christ's other apostles?" Never was the office of the apostles other than one of following Christ in good living and in teaching the church, baptizing men, healing the sick, casting out devils, offering up the sacrifice of Christ's body and everywhere exercising the power connected with their office for the perfecting of the church. If therefore, the pope and his cardinals exercise that office, then the pope holds the office of Peter. But, if he with the cardinals falls away from it, who doubts that he falls away from the true vicariate of Christ and his apostles?

267. The Benedictine Rule [1]

With the exception of the Bible there is probably no book which has more directly influenced the course of European history than St. Benedict's Rule. It was compiled about 530 for the monks under his supervision at Monte Cassino, a monastery midway between Rome and Naples. No one can read it through without being impressed with the practical wisdom of its author. He sought by his regulations to preserve the spiritual benefits of the monastic life, but to prevent any recourse to extremes of asceticism. Hence his monks were to subject themselves to the charge of an abbot; they were to have proper clothing, sufficient food, and ample sleep; and they were to engage, not only in religious exercises, but also in useful manual labor. All this presented a marked contrast to the kind of monastic observance which had hitherto prevailed in the West. The Rule met so well the requirements of the cenobitic life as to become after two centuries the constitution of Western monasticism. Gregory the Great, who was a Benedictine, gave it his support in Italy; Augustine carried it to England; Boniface introduced it into Germany; and in France, by the time of Charlemagne, it had supplanted all other monastic codes. The work consists of a Prologue and seventy-three chapters.

All shall sleep in separate beds and each shall receive, according to the appointment of the abbot, bedclothes, fitted to the condition of his life. If it is possible, let them all sleep in a common dormitory, but if their great number will not allow this, they may sleep in tens or twenties, with seniors to have charge of them.

[1] St. Benedict, *Regula*, 22–23, 29, 32–33, 38–39, 48, 55. Leander Jones and Cuthbert Fursden, *The Rule of St. Benedict*, London, 1909, pp. 53–96. Edited by F. A. Gasquet. Chatto and Windus.

Let a candle be constantly burning in the room until morning, and let the monks sleep clothed and girt with girdles or cords; but they are not to have knives by their sides in their beds, lest perchance they be injured whilst sleeping. In this way the monks shall always be ready to rise quickly when the signal is given and hasten each one to come before his brother to the Divine Office, and yet with all gravity and modesty. The younger brethren are not to have their beds next to each other, but amongst those of the elders. When they rise for the Divine Office, let them gently encourage one another, because of the excuses made by those who are drowsy.[1]

If any brother be found stubborn, disobedient, proud, murmuring, or in any way acting contrary to the Holy Rule, or contemning the orders of his seniors, let him, according to the precept of our Lord, be secretly admonished by those seniors, once or twice. If he will not amend, let him be publicly reproved before all. But if even then he does not correct his faults, let him, if he understand the nature of the punishment, be subject to excommunication. But if he be obstinate, he is to undergo corporal punishment. . . .

If the brother, who through his own bad conduct leaves or is expelled from the monastery, shall desire to return, he must first promise full amendment of the fault for which he left it. He may then be received back to the lowest place, that by this his humility may be tried. If he shall again leave he may be received back till the third time, but he shall know that after this all possibility of returning will be denied to him. . . .

Let the abbot appoint brethren, of whose life and moral conduct he is sure, to keep the iron tools, the clothes, or other property of the monastery. . . . The abbot shall hold a list of these things that, as the brethren succeed each other in their appointed work, he may know what he gives and what he receives back. If any one shall treat the property of the monastery in a slovenly or careless way, let him be corrected; if he does not amend, let him be subjected to regular discipline.

[1] The time of rising for divine service at the night office varied from 1:30 A.M. to 3.00 A.M., according to the season of the year.

Above all others, let this vice be extirpated in the monastery. No one, without leave of the abbot, shall presume to give, or receive, or keep as his own, anything whatever: neither book, nor tablets, nor pen: nothing at all. For monks are men who can claim no dominion even over their own bodies or wills. All that is necessary, however, they may hope from the Father of the monastery; but they shall keep nothing which the abbot has not given or allowed. All things are to be common to all. . . .

There ought always to be reading whilst the brethren eat at table. Yet no one shall presume to read there from any book taken up at haphazard; but whoever is appointed to read for the whole week is to enter on his office on Sunday. . . . The greatest silence shall be kept, so that no whispering, nor noise, save the voice of the reader alone, be heard there. . . .

We believe that it is enough to satisfy just requirement if in the daily meals, at both the sixth and ninth hours, there be at all seasons of the year two cooked dishes, so that he who cannot eat of the one may make his meal of the other. Therefore two dishes of cooked food must suffice for all the brethren, and if there be any fruit or young vegetables these may be added to the meal as a third dish. Let a pound weight of bread suffice for each day, whether there be one meal or two, that is, for both dinner and supper. . . . If, however, the community has been occupied in any great labour, it shall be at the will, and in the power of the abbot, if he think fit, to increase the allowance, as long as every care be taken to guard against excess, and that no monk be incapacitated by surfeiting. For nothing is more contrary to the Christian spirit than gluttony. . . .

Idleness is an enemy of the soul. Because this is so the brethren ought to be occupied at specified times in manual labour, and at other fixed hours in holy reading. . . . On Sunday also, all, save those who are assigned to various offices, shall have time for reading. If, however, any one be so negligent and slothful as to be unwilling or unable to read or meditate, he must have some work given him, so as not to be idle. For weak brethren, or those of delicate constitutions, some work or craft shall be found to keep them from idleness, and yet not such as to crush

them by the heavy labour or to drive them away. The weakness of such brethren must be taken into consideration by the abbot.

Let clothing suitable to the locality and the temperature be given to the brethren, for in cold regions more is needed, and less in warm. The determination of all these things is in the hands of the abbot. We believe, however, that in ordinary places it will be enough for each monk to have a cowl and tunic. . . . A mattress, blanket, coverlet, and pillow are to suffice for bedding. The beds shall be frequently searched by the abbot to guard against the vice of hoarding. And if any one be found in possession of something not allowed by the abbot, let him be subjected to the severest punishment. And to uproot this vice of appropriation, let all that is necessary be furnished by the abbot, that is, cowl, tunic, shoes, stockings, girdle, knife, pen, needle, handkerchief, and tablets. By this means every pretext of necessity will be taken away.

268. The Choice of an Abbot [1]

A little book in Latin, written by an inmate of the Benedictine monastery of St. Edmundsbury, presents a vivid picture of monastic life in medieval England. Of Jocelin, the author, we know almost nothing, except that he held several minor offices in the monastery and thus came into intimate relations with Samson, its abbot. Samson is the central figure and, so to speak, the hero of Jocelin's story. "I have undertaken," he declares in his preface, "to write of those things which I have seen and heard, . . . and I have related the evil as a warning and the good for an example." The *Chronicle* covers the period of the history of St. Edmundsbury from 1173 to 1190.

The abbacy being vacant, we often, as was right, made supplication unto the Lord and to the blessed martyr Edmund that they would give us and our church a fit pastor. Three times in each week, after leaving the chapter, did we prostrate ourselves in the choir and sing seven penitential psalms. And there were some who would not have been so earnest in their prayers if they had known who was to become abbot.[2] As to the choice of an

[1] *Chronica Jocelini de Brakelonda*, London, 1840, pp. 8–11. Edited by J. G. Rokewoode. L. C. Jane, *The Chronicle of Jocelin of Brakelond, Monk of St. Edmundsbury*, London, 1907, pp. 16–20. Chatto and Windus.

[2] Samson.

abbot, if the king [1] should grant us free election, there was much difference of opinion, some of it openly expressed, some of it privately; and every man had his own ideas.

One said of a certain brother, "He, that brother, is a good monk, a likely person. He knows much of the rule [2] and of the customs of the church. It is true that he is not so profoundly wise as are some others, but he is quite capable of being abbot. Abbot Ording was illiterate, and yet he was a good abbot and ruled this house wisely; and one reads in the fable that the frogs did better to elect a log to be their king than a serpent, who hissed venomously, and when he had hissed, devoured his subjects." Another answered, "How could this thing be? How could one who does not know letters preach in the chapter, or to the people on feast days? How could one who does not know the scriptures have the knowledge of binding and loosing? For the rule of souls is the art of arts, the highest form of knowledge. God forbid that a dumb idol be set up in the church of Saint Edmund, where many men are to be found who are learned and industrious."

Again, one said of another, "That brother is a literate man, eloquent and prudent, and strict in his observance of the rule. He loves the monastery greatly, and has suffered many ills for the good of the church. He is worthy to be made abbot." Another answered, "From good clerks deliver us, O Lord!" . . .

And again, one said of one, "That brother is a good husbandman; this is proved by the state of his office, and from the posts in which he has served well, and from the buildings and repairs which he has effected. He is well able to work and to defend the house, and he is something of a scholar, though too much learning has not made him mad. He is worthy of the abbacy." Another answered, "God forbid that a man who can neither read nor sing, nor celebrate the holy office, a man who is dishonest and unjust, and who evil intreats the poor men, should be made abbot." . . .

I heard in truth another brother abused by some because he

[1] Henry II.
[2] The Benedictine Rule.

had an impediment in his speech, and it was said of him that he had pastry or draff in his mouth when he should have spoken. And I myself as I was then young, understood as a child, spake as a child; and I said that I would not consent that any one should be made abbot unless he knew something of dialectic, and knew how to distinguish the true from the false. One, moreover, who was wise in his own eyes, said, "May Almighty God give us a foolish and stupid pastor, that he may be driven to use our help." And I heard, forsooth, that one man who was industrious, learned, and preëminent for his high birth, was abused by some of the older men because he was a novice. The novices said of their elders that they were invalid old men, and little capable of ruling an abbey. And so many men said many things, and every man was fully persuaded in his own mind.

269. The Convent Library of St. Evroult [1]

Ordericus (Odericus) Vitalis, born in Shropshire, went to Normandy while still a child and became a monk of St. Evroult. The last part of his English and Norman history (secular as well as ecclesiastical), which extends to 1141, is a contemporary source.

Abbot Theodoric [2] was deservedly beloved by all good men, while he was feared by the wicked. As far as possible avoiding worldly cares, he devoted himself with earnest zeal to the worship of God. But, though diligent in the offices of prayer, he did not neglect such manual labours as were fitting his station. He was a skilful scribe, and he left to the young monks of St. Evroult some splendid specimens of his calligraphy. The book of *Collects*, the *Gradual*, and *Antiphonary*, were all written in the convent with his own hand. He procured also, by gentle solicitations, from his colleagues who accompanied him from Jumièges, several precious books of the divine law. . . .

The worthy abbot, so often named, by these scribes and other antiquaries whom he succeeded in engaging in this work, during

[1] Ordericus Vitalis, *Historia ecclesiastica*, iii, 3. Thomas Forester, *Ordericus Vitalis, the Ecclesiastical History of England and Normandy*, London, 1853–1856, vol. i, pp. 406–408. G. Bell and Sons, Ltd.

[2] Abbot of St. Evroult. The period referred to is 1050–1057.

the eight years he governed the convent of St. Evroult, was able to procure for the library of the abbey all the books of the Old and New Testament, with the entire works of the eloquent Pope Gregory. From the same school proceeded some learned and excellent penmen, such as Berenger, who was afterwards made bishop of Venusa, Goscelin and Rodolph, Bernard, Turketil, and Richard, with many more, who filled the library at St. Evroult with the works of St. Jerome and St. Augustine, St. Ambrose and Isidore, Eusebius and Orosius, and other doctors of the church, while, by their useful labours and example they encouraged the youths who were to succeed them in similar pursuits.

These novices the man of God himself instructed, often admonishing them carefully to shun the idleness of an unstable disposition, which is apt to enervate both mind and body, and addressing them in such words as these: . . . "Pray, read, chant, write; and be instant in other occupations of the like kind, thus prudently arming yourselves against the temptations of evil spirits."

270. Foundation Charter of the Monastery of Cluny [1]

The celebrated Burgundian monastery of Cluny, or Clugny, which became the head of so many subordinate institutions in France and other countries and the center from which a reformatory movement in monasticism spread throughout western Europe, was established in 910 by William the Pious, count of Auvergne and duke of Aquitaine. His charter is typical of the many monastic grants by laymen for the good of their souls.

To all right thinkers it is clear that the providence of God has so provided for certain rich men that, by means of their transitory possessions, if they use them well, they may be able to merit everlasting rewards. . . . I, William, count and duke by the grace of God, diligently pondering this, and desiring to provide for my own safety while I am still able, have considered it advisable — nay, most necessary, that, from the temporal goods which have been conferred upon me I should give some little

[1] E. F. Henderson, *Select Historical Documents of the Middle Ages*, London, 1896, pp. 329–331. G. Bell and Sons, Ltd.

portion for the gain of my soul. I do this, indeed, in order that I who have thus increased in wealth may not, perchance, at the last be accused of having spent all in caring for my body, but rather may rejoice, when fate at last shall snatch all things away, in having reserved something for myself. Which end, indeed, seems attainable by no more suitable means than that, following the precept of Christ: "I will make his poor my friends," [1] and making the act not a temporary but a lasting one, I should support at my own expense a congregation of monks. And this is my trust, this my hope, indeed, that although I myself am unable to despise all things,[2] nevertheless, by receiving despisers of the world, whom I believe to be righteous, I may receive the reward of the righteous.

Therefore be it known to all who live in the unity of the faith and who await the mercy of Christ, and to those who shall succeed them and who shall continue to exist until the end of the world, that, for the love of God and of our Saviour Jesus Christ, I hand over from my own rule to the holy apostles, Peter, namely, and Paul, the possessions over which I hold sway, the town of Cluny, namely, with the court and demesne manor, and the church in honour of St. Mary the mother of God and of St. Peter the prince of the apostles, together with all the things pertaining to it, the vills, indeed, the chapels, the serfs of both sexes, the vines, the fields, the meadows, the woods, the waters and their outlets, the mills, the incomes and revenues, what is cultivated and what is not, all in their entirety. Which things are situated in or about the country of Mâcon, each one surrounded by its own bounds. I give, moreover, all these things to the aforesaid apostles — I, William, and my wife, Ingelberga — first for the love of God; then for the souls of my lord king Odo, of my father and my mother; for myself and my wife — for the salvation, namely, of our souls and bodies; — and not least for that of Ava who left me these things in her will; for the souls also of our brothers and sisters and nephews, and of all our relatives of both sexes; for our faithful ones who adhere to our service; for the advancement, also, and integrity of the catholic

[1] *St. Luke*, xvi, 9. [2] That is, by becoming a monk.

religion. Finally, since all of us Christians are held together by one bond of love and faith, let this donation be for all, — for the orthodox, namely, of past, present or future times. I give these things, moreover, with this understanding, that in Cluny a regular monastery shall be constructed in honour of the holy apostles Peter and Paul, and that there the monks shall congregate and live according to the rule of St. Benedict, and that they shall possess, hold, have and order these same things unto all time.

271. The Cistercians [1]

William of Malmesbury, the best English historian of the twelfth century, was of mixed English and Norman blood. He spent most of his life as a monk at Malmesbury, where he produced the historical compositions which gave him a high reputation among scholars. His most important work, *Deeds of the Kings of England*, covers the years 449–1127, that is, the period from the beginning of the Anglo-Saxon conquest to nearly the close of the reign of Henry I. The earlier part of the work does not add very much to our knowledge, but from 1066 onward much material of historical interest can be gleaned from its pages.

Certainly many of their regulations seem severe, and more particularly these: they wear nothing made with furs or linen, nor even that finely spun linen garment, which we call Staminium; neither breeches, unless when sent on a journey, which at their return they wash and restore. They have two tunics with cowls, but no additional garment in winter, though, if they think fit, in summer they may lighten their garb. They sleep clad and girded, and never after matins return to their beds: but they so order the time of matins that it shall be light ere the lauds begin; so intent are they on their rule, that they think no jot or tittle of it should be disregarded. Directly after these hymns they sing the prime, after which they go out to work for stated hours. They complete whatever labour or service they have to perform by day without any other light. No one is ever absent from the daily services, or from complines, except the sick.

[1] William of Malmesbury, *Gesta regum Anglorum*, iv. 1. J. A. Giles, *William of Malmesbury's Chronicle of the Kings of England*, London, 1847, pp. 349–351. G. Bell and Sons, Ltd.

The cellarer and hospitaller, after complines, wait upon the guests, yet observing the strictest silence. The abbot allows himself no indulgence beyond the others — everywhere present, — everywhere attending to his flock; except that he does not eat with the rest, because his table is with the strangers and the poor. Nevertheless, be he where he may, he is equally sparing of food and of speech; for never more than two dishes are served either to him or to his company; lard and meat never but to the sick. From the Ides of September till Easter, through regard for whatever festival, they do not take more than one meal a day, except on Sunday. They never leave the cloister but for the purpose of labour, nor do they ever speak, either there or elsewhere, save only to the abbot or prior. They pay unwearied attention to the canonical services, making no addition to them except the vigil for the defunct. They use in their divine service the Ambrosian chants and hymns, as far as they were able to learn them at Milan.[1] While they bestow care on the stranger and the sick, they inflict intolerable mortifications on their own bodies, for the health of their souls. . . . But to comprise, briefly, all things which are or can be said of them, — the Cistercian monks at the present day are a model for all monks, a mirror for the diligent, a spur to the indolent.[2]

272. A Description of Clairvaux [3]

A friend and biographer of St. Bernard has left to us a very pleasing account of the Cistercian monastery of Clairvaux, which the saint founded in 1115 and over which he ruled until his death in 1153.

At the first glance as you entered Clairvaux[4] by descending the hill you could see it was a temple of God; and the still,

[1] The Ambrosian ritual prevailed generally in western Europe until the time of Charlemagne, who adopted the Gregorian.

[2] The Cistercian order was founded in 1098 at Citeaux, not far from Cluny. The monastery of Citeaux became the parent of many daughter-houses, including that of Clairvaux, which St. Bernard established. The keynote of Cistercian life was a return to the literal observance of the Benedictine Rule.

[3] William of St. Thierry, *Bernardus Clarævallensis*, i, 7. E. L. Cutts, *Scenes and Characters of the Middle Ages* (Third Edition), London, 1911, pp. 12–14.

[4] Clairvaux (*Clara vallis*) is situated in a valley branching off from that of the Aube, in northeastern France.

silent valley bespoke, in the modest simplicity of its buildings, the unfeigned humility of Christ's poor. Moreover, in this valley full of men, where no one was permitted to be idle, where one and all were occupied with their allotted tasks, a silence deep as that of night prevailed. The sounds of labour, or the chants of the brethren in the choral service, were the only exceptions. The order of this silence, and the fame that went forth of it, struck such a reverence even into secular persons that they dreaded breaking it — I will not say by idle or wicked conversation, but even by pertinent remarks. The solitude, also, of the place — between dense forests in a narrow gorge of neighbouring hills — in a certain sense recalled the cave of our father St. Benedict,[1] so that while they strove to imitate his life, they also had some similarity to him in their habitation and loneliness. . . .

For my part, the more attentively I watch them day by day, the more do I believe that they are perfect followers of Christ in all things. When they pray and speak to God in spirit and in truth, by their friendly and quiet speech to Him, as well as by their humbleness of demeanour, they are plainly seen to be God's companions and friends. When, on the other hand, they openly praise God with psalmody, how pure and fervent are their minds, is shown by their posture of body in holy fear and reverence, while by their careful pronunciation and modulation of the psalms, is shown how sweet to their lips are the words of God — sweeter than honey to their mouths. As I watch them, therefore, singing without fatigue from before midnight to the dawn of day, with only a brief interval, they appear a little less than the angels, but much more than men. . . .

As regards their manual labour, so patiently and placidly, with such quiet countenances, in such sweet and holy order, do they perform all things, that although they exercise themselves at many works, they never seem moved or burdened in anything, whatever the labour may be. Whence it is manifest that that Holy Spirit worketh in them who disposeth of all things with sweetness, in whom they are refreshed so that they rest even in

[1] The cave at Subiaco in the Abruzzi, where St. Benedict spent three years as a hermit.

their toil. Many of them, I hear, are bishops and earls, and many illustrious through their birth or knowledge; but not, by God's grace, all acceptation of persons being dead among them, the greater any one thought himself in the world, the more in this flock does he regard himself as less than the least. I see them in the garden with hoes, in the meadows with forks or rakes, in the fields with scythes, in the forest with axes. To judge from their outward appearance, their tools, their bad and disordered clothes, they appear a race of fools, without speech or sense. But a true thought in my mind tells me that their life in Christ is hidden in the heavens.

273. The "Lauds" of St. Francis [1]

This poetical rhapsody, often known as the *Laudes creaturarum* ("Canticle of the Creatures"), has been ascribed with much reason to St. Francis himself. It is composed in the Umbrian dialect and is the only work by the saint, other than in Latin, that we possess.

Most High, omnipotent, good Lord, thine is the praise, the glory, the honour and every benediction;

To thee alone, Most High, these do belong, and no man is worthy to name thee.

Praised be thou, my Lord, with all thy creatures, especially milord Brother Sun that dawns and lightens us;

And he, beautiful and radiant with great splendour, signifies thee, Most High.

Be praised, my Lord, for Sister Moon and the stars that thou hast made bright and precious and beautiful.

Be praised, my Lord, for Brother Wind, and for the air and cloud and the clear sky and for all weathers through which thou givest sustenance to thy creatures.

Be praised, my Lord, for Sister Water, that is very useful and humble and precious and chaste.

Be praised, my Lord, for Brother Fire, through whom thou dost illumine the night, and comely is he and glad and bold and strong.

[1] H. O. Taylor, *The Medieval Mind* (Third Edition), New York, 1919, vol. i, pp. 455–456. Macmillan Company.

Be praised, my Lord, for Sister, Our Mother Earth, that doth cherish and keep us, and produces various fruits with coloured flowers and the grass.

Be praised, my Lord, for those who forgive for love of thee, and endure sickness and tribulation; blessed are they who endure in peace; for by thee, Most High, shall they be crowned.

Be praised, my Lord, for our bodily death, from which no living man can escape; woe unto those who die in mortal sin. Blessed are they that have found thy most holy will, for the second death shall do them no hurt.

Praise and bless my Lord, and render thanks, and serve Him with great humility.[1]

274. The Will of St. Francis [2]

This document was dictated by St. Francis shortly before his death in 1226. It summarizes his work and contains his last precepts for the order which he founded.

See in what manner God gave it to me, to me, Brother Francis, to begin to do penitence; when I lived in sin, it was very painful to me to see lepers, but God himself led me into their midst, and I remained here a little while. When I left them, that which had seemed to me bitter had become sweet and easy.

A little while after I quitted the world, and God gave me such a faith in his churches that I would kneel down with simplicity and I would say: "We adore thee, Lord Jesus Christ, here and in all thy churches which are in the world, and we bless thee that by thy holy cross thou hast ransomed the world."

Besides, the Lord gave me and still gives me so great a faith in priests who live according to the form of the holy Roman Church, because of their sacerdotal character, that even if they persecuted me I would have recourse to them. And even though I had all the wisdom of Solomon, if I should find poor secular priests, I would not preach in their parishes without their consent. I

[1] Substantially the same text is given in the *Speculum perfectionis* (ch. cxx), a Franciscan compilation finished about 1318.

[2] Paul Sabatier, *Life of St. Francis of Assisi*, New York, 1894, pp. 337–339. Translated by Louise S. Houghton. Charles Scribner's Sons.

desire to respect them like all the others, to love them and honour them as my lords. I will not consider their sins, for in them I see the Son of God and they are my lords. I do this because here below I see nothing, I perceive nothing corporally of the most high Son of God, if not his most holy Body and Blood, which they receive and they alone distribute to others.[1] I desire above all things to honor and venerate all these most holy mysteries and to keep them precious. Whenever I find the sacred names of Jesus or his words in indecent places, I desire to take them away, and I pray that others take them away and put them in some decent place. We ought to honor and revere all the theologians and those who preach the most holy word of God, as dispensing to us spirit and life.

When the Lord gave me some brothers no one showed me what I ought to do, but the Most High himself revealed to me that I ought to live according to the model of the holy gospel. I caused a short and simple formula to be written, and the lord pope confirmed it for me.[2]

Those who presented themselves to observe this kind of life distributed all that they might have to the poor. They contented themselves with a tunic, patched within and without, with the cord and breeches, and we desired to have nothing more. The clerks said the office like other clerks, and the laymen *Patcr noster*. We loved to live in poor and abandoned churches, and we were ignorant and submissive to all. I worked with my hands and would continue to do, and I will also that all other friars work at some honorable trade. Let those who have none learn one, not for the purpose of receiving the price of their toil, but for their good example and to flee idleness. And when they do not give us the price of the work, let us resort to the table of the Lord, begging our bread from door to door. The Lord revealed to me the salutation which we ought to give: "God give you peace!"[3] . . .

And may whoever shall have observed these things be crowned

[1] Referring to the sacrament of the Eucharist.

[2] The first Rule, approved by Innocent III in 1210, is here referred to.

[3] Here follow St. Francis's precepts for the brothers.

in heaven with the blessings of the heavenly Father, and on earth with those of his well-beloved Son and of the Holy Spirit the consoler, with the assistance of all the heavenly virtues and all the saints.

And I, little Brother Francis, your servitor, confirm to you so far as I am able this most holy benediction. Amen.

275. The Petrine Supremacy [1]

None of the early popes expressed more clearly and more persistently the claims of the Papacy as an ecclesiastical monarchy than did Leo I, the Great, whose pontificate (440–461) covered some of the most troubled years of the fifth century. The sermon here quoted in part is a very explicit statement of the prerogatives of St. Peter and of St. Peter's successors, the popes.

The solidity of that faith which was praised in the chief of the Apostles is perpetual: and as that remains which Peter believed in Christ, so that remains which Christ instituted in Peter. For when, as has been read in the Gospel lesson,[2] the Lord had asked the disciples whom they believed Him to be amid the various opinions that were held, and the blessed Peter had replied, saying, "Thou art the Christ, the Son of the living God," the Lord says, "Blessed art thou, Simon Bar-Jona, because flesh and blood hath not revealed it to thee, but My Father, which is in heaven. And I say to thee, that thou art Peter, and upon this rock will I build My church, and the gates of Hades shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven. And whatsoever thou shalt bind on earth, shall be bound in heaven; and whatsoever thou shalt loose on earth, shall be loosed also in heaven." [3]

The dispensation of Truth therefore abides, and the blessed Peter persevering in the strength of the Rock, which he has received, has not abandoned the helm of the Church, which he undertook. For he was ordained before the rest in such a way that from his being called the Rock, from his being pronounced

[1] Leo the Great, *Sermones*, iii, 2–3; *Nicene and Post-Nicene Fathers* (Second Series), vol. xii, p. 117. Translated by C. L. Feltoe.

[2] Referring to the passage of Scripture read just before the sermon.

[3] *St. Matthew*, xvi, 16–19.

the Foundation, from his being constituted the Doorkeeper of the kingdom of heaven, from his being set as the Umpire to bind and to loose, whose judgments shall retain their validity in heaven, from all these mystical titles we might know the nature of his association with Christ. And still to-day he more fully and effectually performs what is entrusted to him, and carries out every part of his duty and charge in Him and with Him, through Whom he has been glorified. And so if anything is rightly done and rightly decreed by us, if anything is won from the mercy of God by our daily supplications, it is of his work and merits whose power lives and whose authority prevails in his See.

276. The Spiritual and the Temporal Power [1]

Pope Gelasius I wrote this letter to the Roman emperor, Anastasius I, in 494.

I beseech your piety not to regard as arrogance duty in divine affairs. Far be it from a Roman prince, I pray, to regard as injury truth that has been intimated to him. For, indeed, there are, O Emperor Augustus, two by whom principally this world is ruled: the sacred authority of the pontiffs and the royal power. Of these the importance of the priests is so much the greater, as even for kings of men they will have to give an account in the divine judgment. Know, indeed, most clement son, that although you worthily rule over the human race, yet as a man of devotion in divine matters you submit your neck to the prelates, and also from them you await the matters of your salvation, and in making use of the celestial sacraments and in administering those things you know that you ought, as is right, to be subjected to the order of religion rather than preside over it; know likewise that in regard to these things you are dependent upon their judgment and you should not bend them to your will. For if, so far as it pertains to the order of public discipline, the priests of religion, knowing that the imperial power has been bestowed upon you by divine providence, obey your laws, lest in affairs of

[1] Gelasius, *Epistula ad Anastasium imperatorem*, 2. J. C. Ayer, Jr., *A Source Book for Ancient Church History*, New York, 1913, pp. 531–532. Charles Scribner's Sons.

exclusively mundane determination they might seem to resist, with how much more gladness, I ask, does it become you to obey them who have been assigned to the duty of performing the divine mysteries. Just as there is no light risk for the pontiffs to be silent about those things which belong to the service of the divinity, so there is no small peril (which God forbid) to those who, when they ought to obey, refuse to do so. And if it is right that the hearts of the faithful be submitted to all priests generally who treat rightly divine things, how much more is obedience to be shown to the prelate of that see which the highest divinity wished to be preëminent over all priests and which the devotion of the whole Church continually honors?

277. Pope and Patriarch [1]

Gregory I, the Great, undoubtedly claimed for the Roman See a primacy of rank and a position of authority over the whole Church. He did not assert these claims, however, in such a way as to merge the general episcopal commission in the Papacy or to interfere with the independent jurisdiction exercised by patriarchs of the other ancient Apostolic sees. The following letter was written by him in 598 to Eulogius, patriarch of Constantinople.

Your Blessedness has also been careful to declare that you do not now make use of proud titles, which have sprung from a root of vanity, in writing to certain persons, and you address me saying, "As you have commanded." This word, "command," I beg you to remove from my hearing, since I know who I am, and who you are. For in position you are my brethren, in character my fathers. I did not, then, command, but was desirous of indicating what seemed to be profitable. Yet I do not find that your Blessedness has been willing to remember perfectly this very thing that I brought to your recollection. For I said that neither to me nor to any one else ought you to write anything of the kind; and lo, in the preface of the epistle which you have addressed to myself who forbade it, you have thought fit to make use of a proud appellation, calling me Universal Pope.

[1] Gregory the Great, *Epistulæ*, viii, 30; *Nicene and Post-Nicene Fathers* (Second Series), vol. xii, pp. 240–241. Translated by James Barmby.

But I beg your most sweet Holiness to do this no more, since what is given to another beyond what reason demands is subtracted from yourself. For as for me, I do not seek to be prospered by words but by my conduct. Nor do I regard that as an honour whereby I know that my brethren lose their honour. For my honour is the honour of the universal Church: my honour is the solid vigour of my brethren. Then am I truly honoured when the honour due to all and each is not denied them. For if your Holiness calls me Universal Pope, you deny that you are yourself what you call me universally. But far be this from us. Away with words that inflate vanity and wound charity.

And, indeed, in the synod of Chalcedon, and afterwards by subsequent Fathers, your Holiness knows that this was offered to my predecessors.[1] And yet not one of them would ever use this title, that, while regarding the honour of all priests in this world, they might keep their own before Almighty God. Lastly, while addressing to you the greeting which is due, I beg you to deign to remember me in your holy prayers, to the end that the Lord for your intercessions may absolve me from the bands of my sins, since my own merits may not avail me.

278. Letter of Charlemagne to Leo III [2]

This letter, declaring that the pope has only spiritual duties, was written by Charlemagne in 796.

For as I made a covenant of holy compaternity with your most blessed predecessor,[3] so I desire to conclude an inviolable treaty of the same faith and love with your Blessedness, that by your prayers drawing down upon me the grace of God, I may be everywhere followed by the apostolic benediction, and the most holy seat of the Roman Church may be always protected by our devotion. It is our duty, with the help of God, everywhere externally to defend the Church of Christ with our arms from the

[1] Gregory was mistaken in believing that at the Council of Chalcedon in 451 the title of *Universalis Episcopus* was bestowed upon the bishop of Rome.

[2] Thomas Hodgkin, *Italy and Her Invaders*, Oxford, 1892–1899, vol. viii, pp. 167–168. Clarendon Press.

[3] Hadrian (Adrian) I.

inroads of pagans and the devastation of infidels, and internally to fortify it by our recognition of the Catholic faith. It is yours, most holy Father, with hands like the hands of Moses raised in prayer to God, to help our warfare, so that by your intercession, by the gift and guidance of God, the Christian people may everywhere and always win the victory over the enemies of His holy name, and the name of our Lord Jesus Christ may be magnified in all the world.

279. Letter of William I to Gregory VII [1]

Pope Alexander II had blessed William's expedition against England and had sent to him a consecrated banner for his army. The papal blessing and gift doubtless explain the action of Gregory VII, Alexander's successor, in claiming William as a feudatory. The latter's emphatic repudiation of any such claim may be compared with Charlemagne's equally explicit declaration against papal interference in secular affairs. The date of the Conqueror's letter is probably 1076.

Thy legate Hubert, Holy Father, hath called upon me in thy name to take the oath of fealty to thee and to thy successors, and to exert myself in enforcing the more regular payment of the money which my predecessors were accustomed to remit to the Church of Rome. One request I have granted; the other I refuse. Homage to thee I have not chosen, not do I choose to do. I never made a promise to that effect, neither do I find that it was ever performed by my predecessors to thine. The money in question during the three years past, owing to my being frequently in France, has been negligently collected. Now, as I am, by divine mercy, returned to my kingdom, the money which has been collected is remitted by the aforesaid legate. As for the rest, it shall be sent as opportunity shall occur, by the legates of our trusty Archbishop Lanfranc. Pray for us, and for our kingdom, for we always respected thy predecessors, and we would fain regard thee with sincere affection, and be always thy obedient servant.[2]

[1] W. F. Hook, *Lives of the Archbishops of Canterbury*, London, 1862, vol. ii, pp. 138–139.

[2] Gregory VII was much annoyed by this letter and at once recalled Hubert, declaring that he would not accept the king's money unaccompanied by homage.

280. Dictate of the Pope [1]

The celebrated *Dictatus Papæ*, or *Dictatus Hildebrandini*, a collection of twenty-seven theses formulating the papal rights and prerogatives, is found in the register of Gregory VII's letters and decrees and, until recently, was considered to be his composition. It is now believed to have been drawn up several years after Gregory's death in 1085. Though unofficial, the document has much significance as a concise presentation of the Gregorian policy in matters of Church and State.

The Roman Church is founded by God alone.[2]

The Roman pontiff alone can legitimately take the title of Universal. He alone can depose bishops or reconcile them to the Church. His legate, even if he be of inferior rank, takes precedence of all bishops in council, and can pronounce sentence of deposition against them.

The Pope can depose the absent.[3] There shall be no intercourse whatever held with persons excommunicated by the Pope, and none may dwell in the same house with them.

To the Pope alone belongs the right of making new laws, according to the necessities of the time, of forming new congregations, of raising a canonry to an abbey, of dividing into two a bishopric that is too rich, of uniting under one such as are too poor.

He alone may wear the imperial insignia.[4]

All the princes of the earth shall kiss the feet of the Pope, but of none other.

There is a title which one man alone can bear — that of Pope.[5]

He has the right of deposing emperors.

He has the right to transfer, when necessary, a bishop from one see to another.

[1] A. F. Villemain, *Life of Gregory the Seventh*, London, 1874, vol. ii, pp. 53–55. Translated by J. B. Brockley.

[2] Meaning that the primacy of Rome rests on the *Tu es Petrus* (*St. Matthew*, xvi, 18) and on other New Testament passages.

[3] *I.e.*, without giving them a hearing at a later date.

[4] On the basis of the so-called Donation of Constantine, now known to be fraudulent.

[5] The first distinct assertion of the exclusive right of the bishop of Rome to the title of pope (Latin *papa*).

He can transfer any priest from any church to any other place he may please.

The priest thus appointed by him may rule in another church than his own; but he may not make war, or receive a superior grade from any bishop.

No council is to be called a general council without the Pope's order. No capitulary, no book can be received as canonical without his authority.

The sentence of the Pope can be revoked by none, and he alone can revoke the sentences pronounced by others.

He can be judged by none.

None may dare pronounce sentence on one who appeals to the See Apostolic.

To it shall be referred all major causes by the whole Church.

The Church of Rome never has erred, and never can err, as Scripture warrants.[1]

A Roman pontiff, canonically ordained, at once becomes, by the merits of Saint Peter, indubitably holy.

By his order and with his permission, it is lawful for subjects to accuse princes.

He can depose or reconcile bishops without calling a synod.

Whosoever does not agree in all things with the Roman Church is not to be considered a Catholic.

The Pope can loose subjects from the oath of fealty.

281. Deposition and Excommunication of Henry IV by Gregory VII [2]

The attempt of Gregory VII to enforce his regulations against lay investiture, simony, and the marriage of the clergy encountered much opposition in Germany. To Henry IV, the German king, the pope addressed a rather provocative letter (December, 1075), upbraiding him for his neglect of the papal decrees. Upon its receipt the king convened at Worms a national synod, which declared the pope deposed from office. Gregory VII, upon receipt of Henry IV's letter (January, 1076), informing him of this action, summoned a council of French and Italian

[1] Not a claim of papal infallibility.

[2] J. W. Bowden, *The Life and Pontificate of Gregory the Seventh*, London, 1840, vol. ii, pp. 108–110.

bishops and with their approval pronounced a sentence of deposition and excommunication upon the German ruler.

Blessed Peter, prince of the Apostles, incline, we beseech thee, to us thine ear; and hear me, thy servant, whom from infancy thou hast nourished, and whom, to this day, thou hast preserved from the hands of the evil ones, who have hated, and still hate me, for my fidelity to thee. Thou art my witness, with our Lady, the mother of God, with thy brother, the blessed Paul, and with all saints, that thy holy Roman Church called me, against my own will, to its governance; that I have not thought it robbery to ascend thy seat; and that I would rather have finished my life in wandering, than have seized that seat, in a worldly spirit, for the glory of this earth. Through thy favour, and not through aught that I have done, I believe it to have pleased, and still to please thee, that the Christian people, specially committed to thee, should obey me in thy stead; through thy favour I have received from God the power of binding and of loosing in heaven and in earth. Relying on this, for the honour and defense of thy Church, in the name of the Father, the Son, and the Holy Ghost, and by thy power and authority, I forbid to king Henry, son of Henry the emperor,[1] who, through an unexampled pride, has rebelled against thy holy Church, the government of the whole realm of Germany and Italy.[2] I absolve all Christians from the oaths which they have taken, or may take to him; and I decree that no one shall obey him as king; for it is fitting that he, who has endeavoured to diminish the honour of thy Church, should himself lose that honour which he seems to have. And because he has scorned the obedience of a Christian, refusing to return to the Lord whom he had driven from him by his communion with the excommunicate, — by spurning, as thou knowest, the admonitions given by me for his own safety's sake, — and by severing himself from thy Church in the attempt to divide it, — I, in thy stead, bind him with the bond of anathema; thus acting in confidence on thee, that the nations may

[1] Henry III, who reigned from 1039 to 1056.

[2] Henry IV was not at this time emperor in name. The imperial coronation took place in 1084.

know and acknowledge that thou art Peter, — that upon thy rock the Son of the living God hath built His Church, and that the gates of hell shall not prevail against it.

282. Innocent III's Interdict on France [1]

Philip II (Philip Augustus), after the death of his first wife, wedded the Danish princess Ingeborg, but soon obtained from his nobles and bishops a decree of divorce. Ingeborg appealed to Rome without result, and Philip, deeming the matter settled, proceeded to marry the beautiful Agnes of Meran. When Innocent III became pope in 1198, he refused to sanction the divorce or to recognize the legality of the king's second marriage. This action was followed in 1200 by the imposition of an interdict on all France. After nine months of it the king yielded, put away Agnes, and recognized Ingeborg as his lawful wife.

All churches shall be closed, and no one shall be admitted to them unless it is to baptize infants, nor shall they be opened for any other purpose than for the care of the lights, or when the priest must get the host [2] and holy water for the use of the sick. Mass may be celebrated early every Friday morning, for the consecration of the host needed for the sick, but only one clerk may be present to assist the priest. To take the place of mass, priests may preach on Sundays in the vestibules of churches, and thus spread the word of God. They may recite canonical hours [3] outside of churches, provided laymen do not hear; if they recite the epistles, or the gospels, they shall take care not to be heard by the laity. They shall not permit bodies to be buried, or to be placed unburied, in cemeteries. Furthermore, they shall inform the laity that they sin grievously if they bury bodies in unconsecrated ground, even without blessing, and that they go to excess in assuming another's office in this matter. The priests shall forbid parishioners to enter open churches in the land of the king; they shall not bless the wallets of pilgrims, unless it be outside of the church. In passion-week they shall not celebrate; on Easter-day they may celebrate

[1] E. B. Krehbiel, *The Interdict*, Washington, 1909, pp. 114–115. American Historical Association.

[2] The wafer offered in the sacrifice of the Mass.

[3] Certain portions of the Breviary recited at the seven canonical hours.

privately, but only one clerk may be admitted, as has been stated above; no one shall commune even on Easter, unless he is sick and at the point of death. Either on Palm Sunday or during passion-week the people shall be told to gather before the church on the morning of Easter, where they will be given the privilege of eating the blessed bread and meat of the day. Clerks positively may not admit women into the church for purification; they shall advise them to gather with their neighbors on the day of churching,[1] and to pray outside of the church; women who are to be purified may not enter the church even for the purpose of raising children to the sacred font for baptism; even after the interdict, they may not enter the church until they are invited to do so by the priest. The confession of all who seek it shall be heard by the priests in the vestibule of the church; and, if the church has no vestibule, the confession may be heard on the threshold of the outermost door, which the inclemency of wind or rain permits to be opened, but nowhere else; all must be excluded except the person who wishes to confess, but the voices must be so loud that the priest and the person confessing can be heard by those who chance to be outside of the church. If the weather is mild, confession shall be heard before closed church-doors. Receptacles with holy water shall not be placed outside of the church; nor shall clerks use holy water anywhere, since it is understood that all ecclesiastical sacraments are prohibited but those two which are excepted.[2] Extreme Unction, which is the last sacrament, may not be given.

283. Deposition and Excommunication of Frederick II by Innocent IV [3]

Frederick II, whose elevation to the imperial dignity had received the approval of Innocent III, turned out to be a most determined opponent of the Papacy. Gregory IX, Innocent III's successor, excommunicated him in 1227 and again in 1239, and Innocent IV, in 1245, at

[1] A ceremony for the purification of women after childbirth.

[2] That is, infant baptism and the administration of the Eucharist to persons *in articulo mortis*.

[3] *Translations and Reprints*, vol. iv, No. 4, pp. 24–25. Translated by A. C. Howland.

the Council of Lyons, pronounced against him the following sentence of deposition and excommunication.

We, therefore, on account of his aforesaid crimes and of his many other nefarious misdeeds, after careful deliberation with our brethren and with the holy council, acting however unworthily as the vicar of Jesus Christ on earth and knowing how it was said to us in the person of the blessed apostle Peter, "Whatsoever ye shall bind on earth shall be bound in heaven;" [1] We announce and declare the said prince to be bound because of his sins and rejected by the Lord and deprived of all honor and dignity, and moreover by this sentence we hereby deprive him of the same since he has rendered himself so unworthy of ruling his kingdom and so unworthy of all honors and dignity; for, indeed, on account of his iniquities he has been rejected of God that he might not reign or exercise authority. All who have taken the oath of fidelity to him we absolve forever from such oath by our apostolic authority, absolutely forbidding any one hereafter to obey him or look upon him as emperor or king. Let those whose duty it is to select a new emperor proceed freely with the election. But it shall be our care to provide as shall seem fitting to us for the kingdom of Sicily with the council of our brothers, the cardinals.

284. The Bull "Unam Sanctam" [2]

Boniface VIII issued this bull in 1302, during his bitter struggle with the French king, Philip IV (Philip the Fair), over the question of sovereignty. It is perhaps the strongest official assertion of the papal prerogative ever made — the classic expression of the claims of the medieval Papacy to both spiritual and temporal power.

That there is one Holy Catholic and Apostolic Church we are impelled by our faith to believe and to hold — this we do firmly believe and openly confess — and outside of this there is neither salvation or remission of sins. . . . Therefore, in this one and only Church, there is one body and one head, — not two heads

[1] *St. Matthew*, xvi, 19.

[2] *Translations and Reprints*, vol. iii, No. 6, pp. 20–23. Translated by J. H. Robinson.

as if it were a monster — namely, Christ and Christ's Vicar, Peter and Peter's successor, for the Lord said to Peter himself, "Feed my sheep": *my* sheep, he said, using a general term and not designating these or those sheep, so that we must believe that all the sheep were committed to him. If, then, the Greeks, or others, shall say that they were not entrusted to Peter and his successors, they must perforce admit that they are not of Christ's sheep, as the Lord says in John, "there is one fold, and one shepherd."

In this Church and in its power are two swords, to wit, a spiritual and a temporal, and this we are taught by the words of the Gospel, for when the Apostles said, "Behold, here are two swords" (in the Church, namely, since the Apostles were speaking), the Lord did not reply that it was too many, but enough. And surely he who claims that the temporal sword is not in the power of Peter has but ill understood the word of our Lord when he said, "Put up thy sword in its scabbard." Both, therefore, the spiritual and the material swords, are in the power of the Church, the latter indeed to be used for the Church, the former by the Church, the one by the priest, the other by the hand of kings and soldiers, but by the will and sufferance of the priest. It is fitting, moreover, that one sword should be under the other, and the temporal authority subject to the spiritual power. . . .

Therefore, if the earthly power shall err, it shall be judged by the spiritual power; if the lesser spiritual power err, it shall be judged by the higher. But if the supreme power err, it can be judged by God alone and not by man, the apostles bearing witness saying, the spiritual man judges all things but he himself is judged by no one. Hence this power, although given to man and exercised by man, is not human, but rather a divine power, given by the divine lips to Peter, and founded on a rock for Him and his successors in Him whom he confessed, the Lord saying to Peter himself, "Whatsoever thou shalt bind," etc. Whoever, therefore, shall resist this power, ordained by God, resists the ordination of God, unless there should be two beginnings, as the Manichæan imagines. But this we judge to be false and heret-

ical, since, by the testimony of Moses, not in the *beginnings*, but in the *beginning*, God created the heaven and the earth. We, moreover, proclaim, declare and pronounce that it is altogether necessary to salvation for every human being to be subject to the Roman Pontiff.[1]

285. The Decree "Sacrosancta"[2]

The Council of Constance, which ended the Great Schism, was convoked at the instance of the emperor Sigismund by John XXIII, one of the three "phantom popes" holding themselves out to be the true successors of St. Peter. The council passed in 1415 the following decree, by which it claimed supreme authority in ecclesiastical matters, even as against the pope himself.

This holy synod of Constance, forming a general council for the extirpation of the present schism and the union and reformation, in head and members, of the Church of God, legitimately assembled in the Holy Ghost, to the praise of Omnipotent God, in order that it may the more easily, safely, effectively and freely bring about the union and reformation of the church of God, hereby determines, decrees, ordains and declares what follows: —

It first declares that this same council, legitimately assembled in the Holy Ghost, forming a general council and representing the Catholic Church militant, has its power immediately from Christ, and every one, whatever his state or position, even if it be the Papal dignity itself, is bound to obey it in all things which pertain to the faith and the healing of the said schism, and to the general reformation of the Church of God, in head and members.

It further declares that any one, whatever his condition, station or rank, even if it be the Papal, who shall contumaciously refuse to obey the mandates, decrees, ordinances or instructions which have been, or shall be issued by this holy council, or by any other general council, legitimately summoned, which concern, or in any way relate to the above mentioned objects, shall, unless he

[1] Pope Leo X early in the sixteenth century declared that "every human being" meant simply "all Christian believers," an interpretation which deprives Boniface's statement of any political significance.

[2] *Translations and Reprints*, vol. iii, No. 6, p. 31. Translated by J. H. Robinson.

repudiate his conduct, be subject to condign penance and be suitably punished, having recourse, if necessary, to the other resources of the law.

286. The Bull "Execrabilis" [1]

The conciliar movement, which had seemed to triumph at Constance, ended in a victory for the Papacy. This bull of Pius II in 1459, condemning appeals to a general council, signalizes the papal victory.

The execrable and hitherto unknown abuse has grown up in our day, that certain persons, imbued with the spirit of rebellion, and not from a desire to secure a better judgment, but to escape the punishment of some offence which they have committed, presume to appeal from the pope to a future council, in spite of the fact that the pope is the vicar of Jesus Christ and to him, in the person of St. Peter, the following was said: "Feed my sheep" [2] and "Whatsoever thou shalt bind on earth shall be bound in heaven." [3] Wishing therefore to expel this pestiferous poison from the church of Christ and to care for the salvation of the flock entrusted to us, and to remove every cause of offence from the fold of our Saviour, with the advice and consent of our brothers, the cardinals of the holy Roman church, and of all the prelates, and of those who have been trained in the canon and civil law, who are at our court, and with our own sure knowledge, we condemn all such appeals and prohibit them as erroneous and detestable.

[1] O. J. Thatcher and E. H. McNeal, *A Source Book for Mediæval History*, New York, 1905, p. 332. Charles Scribner's Sons.

[2] *St. John*, xxi, 16.

[3] *St. Matthew*, xvi, 19.

SECTION XVI

THE FEUDAL RÉGIME

287. Grant of a Fief of Land [1]

Feudalism in western Europe had become by the thirteenth century a fairly definite and regular institution. The document quoted shows how a fief (Latin *feudum*) of land might be granted by its owner or holder to another, on condition that the recipient became his vassal. The date is 1200.

I, Thiebault, count palatine of Troyes, make known to those present and to come that I have given in fee to Jocelyn d'Avalon and his heirs the manor which is called Gillencourt, which is of the castellanerie of La Ferte sur Aube; and whatever the same Jocelyn shall be able to acquire in the same manor I have granted to him and his heirs in augmentation of that fief. I have granted, moreover, to him that in no free manor of mine will I retain men who are of this gift. The same Jocelyn, moreover, on account of this has become my liege man, saving, however, his allegiance to Gerard d'Arcy, and to the lord duke of Burgundy, and to Peter, count of Auxerre.

288. Grant of a Fief of Money [2]

While a fief was normally land, it was often money, especially from the thirteenth century onward, when the kings and the greater nobles wished to build up a fighting force which they could call out at any time and for any length of time. The date of the document quoted is 1380.

We, Regnault de Fauquemont, knight, lord of Bournes and of Sitter, make known to all by these presents, that we have become liege man of the king of France, our lord, and to him have made faith and homage because of 1000 livres of Tours of income which he has given to us during our life, to be drawn from his treasury at Paris. And we have promised to him and do promise by these

[1] *Translations and Reprints*, vol. iv, No. 3, p 15. Translated by E. P. Cheyney.
[2] *Translations and Reprints*, vol. iv, No. 3, p. 17. Translated by E. P. Cheyney.

presents to serve him loyally and well in his wars and otherwise against all who can live and die, in the form and manner in which a good and loyal subject ought to serve his sovereign lord.

289. Homage and Fealty [1]

The following document illustrates in considerable detail the ceremony by which the holder of a fief acknowledged himself as his lord's "man" (Latin *homo*) and swore to be faithful to his lord. The date is 1110.

Let all present and to come know that I the said Bernard Atton, lord and viscount of Carcassonne, acknowledge verily to thee my lord Leo, by the grace of God abbot of St. Mary of Grasse, and to thy successors that I hold and ought to hold as a fief in Carcassonne the following: that is to say, the castles of Confoles, of Leocque, of Capendes (which is otherwise known as St. Martin of Sussagues); and the manors of Mairac, of Albars and of Musso; also, in the valley of Aquitaine, Rieux, Traverina, Hérault, Archas, Servians, Villatritoes, Tansiraus, Presler, Cornelles. Moreover, I acknowledge that I hold from thee and from the said monastery as a fief the castle of Termes in Narbonne; and in Minerve the castle of Ventaion, and the manors of Cassanolles, and of Ferral and Aiohars; and in Le Rogès, the little village of Longville; for each and all of which I make homage and fealty with hands and with mouth to thee my said lord abbot Leo and to thy successors, and I swear upon these four gospels of God that I will always be a faithful vassal to thee and to thy successors and to St. Mary of Grasse in all things in which a vassal is required to be faithful to his lord, and I will defend thee, my lord, and all thy successors, and the said monastery and the monks present and to come and the castles and manors and all your men and their possessions against all malefactors and invaders, at my request and that of my successors at my own cost; and I will give to thee power over all the castles and manors above described, in peace, and in war, whenever they shall be claimed by thee or by thy successors.

[1] *Translations and Reprints*, vol. iv, No. 3, pp. 18–20. Translated by E. P. Cheyney.

Moreover I acknowledge that, as a recognition of the above fiefs, I and my successors ought to come to the said monastery, at our own expense, as often as a new abbot shall have been made, and there do homage and return to him the power over all the fiefs described above. And when the abbot shall mount his horse I and my heirs, viscounts of Carcassonne, and our successors ought to hold the stirrup for the honor of the dominion of St. Mary of Grasse; and to him and all who come with him, to as many as two hundred beasts, we should make the abbot's purveyance in the borough of St. Michael of Carcassonne, the first time he enters Carcassonne, with the best fish and meat and with eggs and cheese, honorably according to his will, and pay the expense of the shoeing of the horses, and for straw and fodder as the season require.

And if I or my sons or their successors do not observe to thee or to thy successors each and all the things declared above, and should come against these things, we wish that all the aforesaid fiefs should by that very fact be handed over to thee and to the said monastery of St. Mary of Grasse and to thy successors.

I, therefore, the aforesaid lord Leo, by the grace of God abbot of St. Mary of Grasse, receive the homage and fealty for all the fiefs of castles and manors and places which are described above; in the way and with the agreements and understandings written above; and likewise I concede to thee and to thy heirs and their successors, the viscounts of Carcassonne, all the castles and manors and places aforesaid, as a fief, along with this present charter, . . . And I promise to thee and thy heirs and successors, viscounts of Carcassonne, under the religion of my order, that I will be good and faithful lord concerning all those things described above.

290. Mutual Duties of Vassal and Lord [1]

This letter, written in the year 1020 by Fulbert, bishop of Chartres, to William, duke of Aquitaine, sets forth the spirit of the feudal system at its best.

[1] *Translations and Reprints*, vol. iv, No. 3, pp. 23–24. Translated by E. P. Cheyney.

Asked to write something concerning the form of fealty, I have noted briefly for you on the authority of the books the things which follow. He who swears fealty to his lord ought always to have these six things in memory; what is harmless, safe, honorable, useful, easy, practicable. Harmless, that is to say that he should not be injurious to his lord in his body; safe, that he should not be injurious to him in his secrets or in the defences through which he is able to be secure; honorable, that he should not be injurious to him in his justice or in other matters that pertain to his honor; useful, that he should not be injurious to him in his possessions; easy or practicable, that that good which his lord is able to do easily, he make not difficult, nor that which is practicable he make impossible to him.

However, that the faithful vassal should avoid these injuries is proper, but not for this does he deserve his holding; for it is not sufficient to abstain from evil, unless what is good is done also. It remains, therefore, that in the same six things mentioned above he should faithfully counsel and aid his lord, if he wishes to be looked upon as worthy of his benefice and to be safe concerning the fealty which he has sworn.

The lord also ought to act toward his faithful vassal reciprocally in all these things. And if he does not do this he will be justly considered guilty of bad faith, just as the former, if he should be detected in the avoidance of or the doing of or the consenting to them, would be perfidious and perjured.

291. The Making of a Knight [1]

The *Nibelungenlied*, an heroic epic written in a Middle-High German dialect, survives in no less than twenty-eight medieval manuscripts, of which nine are practically complete. In spite of its great popularity the poem was soon forgotten after the passing of the feudal régime, and not until the eighteenth century was it rediscovered and given to the literary world. Whether it forms the production of one author or of many authors is a disputed question. The work, as we now have it, seems to date from the latter part of the twelfth century, the Golden Age of the professional poets known as Minnesingers. The story on which

[1] *Nibelungenlied*, ii. Margaret Armour, *The Fall of the Nibelungs*, London, 1908, pp. 3–5. J. M. Dent and Sons, Ltd.

the *Nibelungenlied* is based was widespread among Teutonic peoples, being touched upon in the Anglo-Saxon *Beowulf* and fully developed in the *Volsunga Saga*, one of the most important literary productions of the Scandinavian North. In the German form of the story the song of the Nibelungs tells of the love of the Frankish hero, Siegfried, for the Burgundian princess, Kriemhild, and of the vengeance which she took upon the "grim" Hagen, who had treacherously slain her husband. The poem is a mixture of heathen mythology, folklore, and more or less historical traditions, the whole reshaped under the influence of Christianity and chivalry.

There grew up in the Netherland a rich king's child, whose father hight Siegmund and his mother Sieglind, in a castle high and famous called Xanten, down by the Rhine's side. Goodly was this knight, by my troth, his body without blemish, a strong and valiant man of great worship; abroad, through the whole earth, went his fame. The hero hight Siegfried, and he rode boldly into many lands. Ha! in Burgundy, I trow, he found warriors to his liking. Or he was a man grown he had done marvels with his hand, as is said and sung, albeit now there is no time for more word thereof.

Of his best days there were many wonders to tell, how he waxed in goodliness and honour; his, too, was the love of women.

As was seemly for such an one, his breeding was well seen to, and of his nature, likewise, he was virtuous. His father's land was famed for his worth, for in all things he was right noble.

When he was of an age to ride to the court, the people saw him gladly, and wedded wives and maids were alike fain that he should tarry there. By order of Siegmund and Sieglind he was richly clad, and without guards he was suffered not to ride abroad. They that had him in charge were wise men versed in honour, to the end that he might win thereby liegemen and lands.

Now was he grown a stark youth, of stature and strength to bear weapons; he lacked nothing needful thereto, and inclined him already to the wooing of women. Nor did these find the fair youth amiss.

So Siegmund his father cried a hightide, and word thereof came to the kingdoms that were round about. To strangers and to friends alike he gave horses and apparel, and wheresoever they

found one of knightly birth, that youth they bade to the hightide, to be dubbed a knight with Siegfried.

Many wonders might one tell of that hightide, and rightly Siegmund and Sieglind won glory from the gifts of their hand, by reason whereof a multitude rode into the land. To four hundred sworded knights and to Siegfried was given rich apparel. Full many a fair damsel ceased not from working with her needle for his sake. Precious stones without stint they set in gold, and embroidered them with silk on the vest of the proud youth. He was little loth thereto. And the king bade them set places for many a hero the mid-summer that Siegfried became a knight.

The rich squires and great knights drew to the minster. Meet is it that the old help the young, even as they in their day were holpen.

The time sped in merriment and sports. First, God to honour, they sang mass. Then the people pressed in hard to behold the youths dubbed knights with such pomp and high observance as we see not the like of nowadays.

Then they ran where they found saddled horses. And the noise of tourney was so great at Siegmund's court that palace and hall echoed therewith, for there was a mighty din of heroes. From old and young came the noise of hurtling and of broken shafts whizzing in the air; and from warring hands flew splintered lances as far as the castle; men and women looked on at the sport. Then the king bade stay the tilting. And they led off the horses. Many shields lay broken, and, strewed on the grass, were jewels from shining bucklers, fallen in the fray.

The guests went in and sat down as they were bidden, and over the choice meats and good wine, drunk to the full, they parted from their weariness. Friends and strangers were entreated with equal honour.

Albeit they ceased not from tilting all the day, the mummers and the minstrels took no rest, but sang for gold and got it; wherefore they praised the land of Siegmund. The king enfeoffed Siegfried with lands and castles, as in his youth his father had enfeoffed him, and to his sword-fellows he gave with full hand, that it rejoiced them to be come into that country.

The hightide endured seven days. Sieglind, the wealthy queen, did according to old custom. She divided red gold among her guests for love of her son, that she might win their hearts to him.

Among the minstrels none were needly. Horses and raiment were as free as if they that gave had but a day to live. Never company gave readier.

So the hightide ended with glory, and the rich lords were well minded to have Siegfried to their prince. But the noble youth would none of it. While Siegmund and Sieglind lived, their son, that loved them, desired not to wear the crown, but only, as a brave man, to excel in strength and might. Greatly was he feared in the land; nor durst any chide him, for from the day he bare arms he rested not from strife. Yea, in far countries and for all time, his strong hand won him glory.

292. Knight and Squire [1]

The descriptions of the pilgrims to Canterbury, in the *Prologue*, begin with this one of a Knight and a Squire (his son). Chaucer's old English is somewhat modernized in the extract.

A Knight there was, and that a worthy man,
Who, from the hour in which he first began
To ride abroad, loved alway chivalry,
Truth, honour, bounty, and fair courtesy.
Full worthy was he in his master's war,
And therein had he ridden — none so far —
In Christendom and heathen lands the same,
And always honoured for his worthy name.[2]
At Alexandria's famous siege was he; [3]
And highest at the table oft would be
In Prussia, 'bove all strangers, not a few.
In Russia and in Lithuania too

[1] Chaucer, *Prologue*, 43–100. W. W. Skeat, *The Prologue to the Canterbury Tales*, London, 1907, pp. 3–5. Chatto and Windus.

[2] The Knight is described as having taken part in "his master's war" (probably the campaigns of Edward III in France) and in many notable wars of the half-century previous to Chaucer's writing.

[3] Alexandria was captured by the king of Cyprus in 1365.

He travelled, none so oft of his degree.
And in Granada, at the siege was he
Of Algeciras; and in Belmarye;[1]
At Layas'[2] siege, and that of Attalye,[3]
When they were won; and joined a venturous band
Of troops, upon the Mediterranean strand.
In fifteen hard-fought battles had he been,
And for our faith had fought at Tramissene[4]
Three times within the lists, and slain his foe.
This same thrice-honoured Knight had been alsó
In service under Palathia's lord
On Turkish soil, against a heathen horde:
And evermore with highest praise did meet.
And though thus honoured, was he still discreet,
And meek in his demeanour as a maid.
No contumelious word he ever said
In all his life, against another wight.
He proved a very perfect, gentle Knight.
But, if I come to speak of his array,
Good were his horses, but himself not gay.
A fustian doublet wore he on his back,
Still by his iron hauberk marked with black;
So lately had he reached his journey's end;
But ready now on pilgrimage to wend.
With him there came his son, a youthful Squire,
A lusty bachelor, with love a-fire,
Whose locks were curled, as if full tightly pressed.
His age at twenty might be nearly guessed.
In stature he appeared of middle length,
Full active were his limbs, and great of strength.
Some deeds had he beheld of chivalry,
In Flanders, in Artois, and Picardy,
And well had borne him, in so little space,
In hope to stand well in his lady's grace.

[1] A Moorish kingdom in North Africa.
[2] The modern Ayas in Armenia.
[3] The modern Adalia in Anatolia.
[4] In Algeria.

Embroidered was he, like a daisied mead
All full of springing blossoms white and red.
He singing was, or fluting, all the day;
And was as fresh as is the month of May.
His gown was short, but long the sleeves and wide.
Well could he sit his horse, and fairly ride.
Sweet songs could he compose and well endite,
And joust, and dance, and well pourtray and write.
So hotly loved he that, when day did fail,
He slept no more than doth the nightingale.
He showed him modest, courteous, serviceable,
And carved before his father at the table.

293. The Daily Life of a Noble [1]

Jean Froissart (*c.* 1338–*c.* 1410) was steeped in the spirit of chivalry. He loved nothing better than a tale of the old feudal days, then drawing to a close, and he spent a large part of his life traveling through the different countries of Europe, in order to collect materials for his *Chronicles*. He himself declares that he had searched the greater part of Christendom, " and wherever I came, I made inquiry after those ancient knights and squires who had been present at feats of arms, and who were well qualified to describe them. I sought also for heralds of good repute to verify what I heard elsewhere of these matters. In this manner have I gathered the facts in this noble history. . . . As long as through God's grace I shall live, I shall continue it, for the more I work at it, the greater pleasure I receive." The *Chronicles* form a very large book, written quite uncritically and in a rambling, disconnected fashion. The pages of Froissart breathe, nevertheless, the spirit of the times to which they belong, and the judgment of many generations of readers has been unanimous in according to him a high place among the eminent writers, not only of France, but of the world.

Count Gaston Phœbus de Foix, of whom I am now speaking, was at that time [2] fifty-nine years old; and I must say, that although I have seen very many knights, kings, princes, and others, I have never seen any so handsome, either in the form of his limbs and shape, or in countenance, which was fair and ruddy,

[1] Jean Froissart, *Chroniques*, iii, 9. Thomas Johnes, *Froissart's Chronicles of France, Spain, and the Adjoining Countries*, London, 1857, vol. ii, pp. 94–95.

[2] 1388, when Froissart was a visitor at the count's court.

with grey and amorous eyes, that gave delight whenever he chose to express affection. He was so perfectly formed, one could not praise him too much. He loved earnestly the things he ought to love, and hated those which it was becoming him so to hate.. He was a prudent knight, full of enterprise and wisdom. He had never any men of abandoned character with him, reigned prudently, and was constant in his devotions. There were regular nocturnals from the Psalter, prayers from the rituals to the Virgin, to the Holy Ghost, and from the burial service. He had every day distributed as alms, at his gate, five florins in small coin, to all comers. He was liberal and courteous in his gifts; and well knew how to take when it was proper, and to give back where he had confidence. He mightily loved dogs above all other animals; and during the summer and winter amused himself much with hunting. He never liked any foolish works nor ridiculous extravagancies; and would know every month the amount of his expenditure. He chose from his own subjects twelve of the most able to receive and administer his finances: two of them had the management for two months, when they were changed for two others; and from them he selected one as comptroller, in whom he placed his greatest confidence, and to whom all the others rendered their accounts. This comptroller accounted by rolls or written books, which were laid before the count. He had certain coffers in his apartment, from whence he took money to give to different knights, squires, or gentlemen, when they came to wait on him, for none ever left him without a gift; and these sums he continually increased, in order to be prepared for any event that might happen. He was easy of access to all, and entered very freely into discourse, though laconic in his advice and in his answers. He employed four secretaries to write and copy his letters; and these secretaries were obliged to be in readiness the moment he came out from his closet. He called them neither John, Walter, nor William, but his good-for-nothings, to whom he gave his letters after he had read them, either to copy, or to do anything else he might command.

In such manner did the count de Foix live. When he quitted

his chamber at midnight for supper, twelve servants bore each a large lighted torch before him, which were placed near his table and gave a brilliant light to the apartement. The hall was full of knights and squires; and there were plenty of tables laid out for any person who chose to sup. No one spoke to him at his table, unless he first began a conversation. He commonly ate heartily of poultry, but only the wings and thighs; for in the daytime he neither ate nor drank much. He had great pleasure in hearing minstrels, as he himself was a proficient in the science, and made his secretaries sing songs, ballads, and roundelays. He remained at table about two hours; and was pleased when fanciful dishes were served up to him, which having seen, he immediately sent them to the tables of his knights and squires.

In short, everything considered, though I had before been in several courts of kings, dukes, princes, counts, and noble ladies, I was never at one which pleased me more, nor was I ever more delighted with feats of arms, than at this of the count de Foix. There were knights and squires to be seen in every chamber, hall, and court, going backwards and forwards, and conversing on arms and amours. Everything honourable was there to be found. All intelligence from distant countries was there to be learnt, for the gallantry of the court had brought visitors from all parts of the world. It was there I was informed of the greater part of those events which had happened in Spain, Portugal, Arragon, Navarre, England, Scotland, and on the borders of Languedoc; for I saw, during my residence, knights and squires arrive from every nation. I therefore made enquiries from them, or from the count himself, who cheerfully conversed with me.

294. A Tournament [1]

The tournament here described was held at Smithfield, London, in 1390, during the reign of Richard II.

News of the splendid feasts and entertainments made for Queen Isabella's [2] public entry into Paris was carried to many

[1] Jean Froissart, *Chroniques*, iv, 23. Thomas Johnes, *Froissart's Chronicles of England, France, Spain, and the Adjoining Countries*, London, 1857, vol. ii, pp. 477–480.

[2] Isabella of Bavaria was married to Charles VI of France in 1385.

countries, and very justly, for they were most honorably conducted. The king of England and his three uncles had received the fullest information of them; for some of his knights had been present, who had reported all that had passed with the utmost fidelity. In imitation of this, the king of England ordered grand tournaments and feasts to be holden in the city of London. . . . The prize for the best knight of the opponents was to be a rich crown of gold; that for the tenants of the lists a very rich golden clasp; they were to be given to the most gallant tilter, according to the judgment of the ladies who would be present with the queen of England and the great barons, as spectators. . . .

The tournaments were to be continued by squires, against others of the same rank who wished to oppose them. The prize for the opponents was a courser saddled and bridled, and for the tenants of the lists a falcon. The manner of holding this feast being settled, heralds were sent to proclaim it throughout England, Scotland, Hainault, Germany, Flanders, and France. It was ordered by the council to what parts each herald was to go; and, having time beforehand, they published it in most countries. . . .

This Sunday, according to proclamation, being the next to Michaelmas day, was the beginning of the tiltings, and called the feast of the challengers. About three o'clock, there paraded out from the Tower of London, which is situated in the square of St. Catherine, on the banks of the Thames, sixty barded coursers ornamented for the tournament; on each was mounted a squire of honor that advanced only at a foot's pace; then came sixty ladies of rank, mounted on palfreys most elegantly and richly dressed, following each other, every one leading a knight with a silver chain, completely armed for tilting; and in this procession they moved on through the streets of London, attended by numbers of minstrels and trumpets, to Smithfield. The queen of England and her ladies and damsels were already arrived and placed in chambers handsomely decorated. The king was with the queen. When the ladies who led the knights arrived in the square, their servants were ready to assist them to dismount from their palfreys, and to conduct them to the apartments

prepared for them. The knights remained until their squires of honor had dismounted and brought them their coursers, which having mounted, they had their helmets laced on, and prepared themselves in all points for the tilt.

The count de Saint Pol [1] with his companions now advanced, handsomely armed for the occasion, and the tournament began. Every foreign knight who pleased tilted, or had time for so doing, before the evening set in. The tiltings were well and long continued, until night forced them to break off. The lords and ladies then retired where they had made their appointments. The queen was lodged in the bishop of London's palace near St. Paul's church, where the banquet was held.

Toward evening the count d'Ostrevant [2] arrived, and was kindly received by king Richard and his lords. The prize for the opponents was adjudged to the count de St. Pol, as the best knight at this tournament, and that for the tenants to the earl of Huntingdon. The dancings were at the queen's residence, in the presence of the king, his uncles, and the barons of England. The ladies and damsels continued their amusements, before and after supper, until it was time to retire, when all went to their lodgings, except such as were attached to the king or queen, who, during the tournament, lived at the palace of the bishop of London.

You would have seen on the ensuing morning, Monday, squires and varlets busily employed, in different parts of London, furbishing and making ready armour and horses for their masters who were to engage in the jousts. In the afternoon, king Richard entered Smithfield magnificently accompanied by dukes, lords, and knights, for he was chief of the tenants of the lists. The queen took her station as on the preceding day, with her ladies, in the apartments that had been prepared for her. The count d'Ostrevant came next, with a large company of knights and squires fully armed for tilting; then the count de Saint Pol and the knights from France.

The tournament now began, and every one exerted himself to

[1] A Flemish noble who had married King Richard's half-sister.

[2] Sir William de Hainault, Count d'Ostrevant, a cousin of King Richard.

the utmost to excel: many were unhorsed, and more lost their helmets. The jousting continued with great courage and perseverance until night put an end to it. The company now retired to their lodgings or their homes; and, when the hour for supper was near, the lords and ladies attended it, which was splendid and well served. The prize for the opponents at the tournament was adjudged, by the ladies, lords, and heralds, to the count d'Ostrevant, who far eclipsed all who had tilted that day; that for the tenants was given to a gallant knight of England called Sir Hugh Spenser.

On the morrow, Tuesday, the tournament was renewed by the squires, who tilted in the presence of the king, queen, and all the nobles, until night, when all retired as on the preceding day. The supper was as magnificent as before at the palace of the bishop, where the king and queen lodged; and the dancing lasted until daybreak, when the company broke up. The tournament was continued on the Wednesday by all knights and squires indiscriminately, who were inclined to joust; it lasted until night, and the supper and dances were as the preceding day.

295. St. Bernard's Address to the Knights Templar [1]

St. Bernard's relations with Hugo de Paganis, the first Grand Master of the Templars, were of the most friendly character. At the latter's request he wrote, about 1133, a tractate in praise of the "new warfare" inaugurated by Christian knights against infidels.

You always run a risk, you worldly soldier, of either killing your adversary's body, and your own soul in consequence, or of being killed yourself, both body and soul. If, while wishing to kill another, you are killed yourself, you die a homicide. If you vanquish and kill your enemy, you live a homicide. But what an astounding error, what madness is it, O knights, to fight at such cost and trouble for no wages except those of death or sin! You deck out your horses with silken trappings; you wear flaunting cloaks over your steel breastplates; you paint your

[1] J. C. Morison, *The Life and Times of Saint Bernard* (Second Edition), London, 1868, pp. 142–143. Macmillan and Company, Ltd.

shields, your spears, and your saddles; your spurs and bridles shine with gold and silver and gems; and in this gay pomp, with an amazing and incredible madness, you rush upon death. Have you not found from experience that these things are especially needed by a soldier, viz. that he be bold, yet vigilant, as regards his own safety, quick in his movements, and prompt to strike? You, on the contrary, cultivate long hair, which gets in your eyes; your feet are entangled in the folds of your flowing robes; your delicate hands are buried in your ample and spreading sleeves. In addition to all this, your reasons for fighting are light and frivolous, viz. the impulses of an irrational anger, or a desire of vain glory, or the wish to obtain some earthly possession. Certainly, for such causes as these it is not safe either to slay or to be slain.

But Christ's soldiers can fight in safety the battles of their Lord; fearing no sin from killing an enemy; dreading no danger from their own death. Seeing that for Christ's sake death must be suffered or inflicted, it brings with it no sin, but rather earns much glory. In the one case Christ is benefited, in the other Christ is gained — Christ, who willingly accepts an enemy's death for revenge, and, more willingly still, grants Himself to the soldier for consolation. Christ's soldier can securely kill, can more securely die: when he dies, it profits him; when he slays, it profits Christ. Not without just cause is he girded with a sword. When he kills a malefactor, he is not a slayer of men, but a slayer of evil, and plainly an avenger of Christ against those who do amiss. But when he is killed, he has not perished, he has reached his goal. The Christian exults in the death of a pagan, because Christ is glorified. In the death of the Christian the King's bountifulness is shown, when the soldier is led forth to his reward. The just will rejoice over the first, when he sees the punishment of the wicked. Of the latter men will say, "Verily there is a reward for the righteous: doubtless there is a God that judgeth the earth."

296. The Decline of Chivalry [1]

Chivalry, by the end of the twelfth century, was beginning to go to seed, if we may trust the testimony of Peter of Blois, archdeacon of Bath. His letters form an important source for the history of the time. They are addressed to Henry II and to various prelates and scholars, including Thomas Becket and John of Salisbury.

The knighthood of to-day! Why, it consists of disorderly living! In these military circles, who is it that is reputed the strongest and the most worthy of esteem? It is he who says the most abominable things, who swears the most violently, who treats the ministers of God the worst, and who respects the church the least. . . . What has become of military art, so well taught by Végèce and so many others? It no longer exists: it is the art of giving oneself up to all sorts of excesses and of leading a sottish life. Formerly the soldiers swore to defend the state, to stand firm in the field of battle, and to sacrifice their lives for the public interest; to-day our knights receive their swords from the hand of the priest, and thus declare that they are the sons of the church, that their arms serve to defend the priesthood, to protect the poor, to pursue malefactors, and to save their country. But in reality they do just the opposite: they have hardly donned the baldric before they rise against the anointed of the Lord, and throw themselves on the patrimony of the Crucified. They despoil and ransom the subjects of the church; they crush the miserable with unequaled cruelty; they seek the satisfaction of their illicit appetites and their extraordinary desires in the pain of others. Saint Luke tells us that the soldiers came to Saint John the Baptist and asked him this question: "Master, and we, what shall we do?" The saint replied: "Respect the goods of others, do not harm your neighbors, and be content with your pay." Our soldiers, who ought to employ their strength against the enemies of the cross and of Christ, use it to vie with each other in debauchery and

[1] Petrus Blesensis, *Epistulæ*, xciv. Achille Luchaire, *Social France at the Time of Philip Augustus*, London, 1912, p. 274. Translated by E. B. Krehbiel. John Murray.

drunkenness; they waste their time in sloth; they starve in gross intemperance; by their degenerate and impure lives they dishonor their name and their profession.

297. Peace of God [1]

The practice of private warfare was closely connected with the feudal system. Nobles regarded the right of waging war on one another as their most cherished privilege. A vassal might fight with each of the various lords to whom he had done homage, in order to secure independence from them; with his fellow vassals, whom he disliked for any reason; and even with his own vassals. Fighting developed into a form of business enterprise, which enriched the nobles and their retainers through the sack of castles, the plunder of villages, and the ransom of prisoners. Every hill became a stronghold and every plain a battlefield. The first steps to remedy this condition of affairs were taken by the Church. Late in the tenth century the French clergy began in their provincial synods to promulgate decrees establishing the so-called Peace of God, which forbade, under ecclesiastical penalty, attacks on priests, monks, pilgrims, merchants, peasants, and other defenseless people. The peace given below was proclaimed by Guy of Anjou, bishop of Puy, in 990.

Be it known to all the faithful subjects of God, that because of the wickedness that daily increases among the people, we have called together certain bishops, . . . princes, and nobles. And since we know that only the peace-loving shall see the Lord, we urge all men, in the name of the Lord, to be sons of peace.

From this hour forth, no man in the bishoprics over which these bishops rule, and in these counties, shall break into a church, . . . except that the bishop may enter a church to recover the taxes that are due him from it.

No man in the counties or bishoprics shall seize a horse, colt, ox, cow, ass, or the burdens which it carries, or a sheep, goat, or pig, or kill any of them, unless he requires it for a lawful expedition. On an expedition a man may take what he needs to eat, but shall carry nothing home with him; and no one shall take material for fortifying or besieging a castle except from his own lands or subjects.

[1] O. J. Thatcher and E. H. McNeal, *A Source Book for Mediæval History*, New York, 1905, pp. 412–414. Charles Scribner's Sons.

Clergymen shall not bear arms; no one shall injure monks or any unarmed persons who accompany them; except that the bishop or the archdeacon may use such means as are necessary to compel them to pay the taxes which they owe them.

No one shall seize a peasant, man or woman, for the purpose of making him purchase his freedom, unless the peasant has forfeited his freedom. This is not meant to restrict the rights of a lord over the peasants living on his own lands or on lands which he claims.

From this hour forth no one shall seize ecclesiastical lands, whether those of a bishop, chapter, or monastery, and no one shall levy any unjust tax or toll from them; unless he holds them as *precaria* [1] from the bishop or the brothers.

No one shall seize or rob merchants.

No layman shall exercise any authority in the matter of burials or ecclesiastical offerings; no priest shall take money for baptism, for it is the gift of the Holy Spirit.

If any one breaks the peace and refuses to keep it, he shall be excommunicated and anathematized and cut off from the holy mother church, until he makes satisfaction; if he refuses to make satisfaction, no priest shall say mass or perform divine services for him; no priest shall bury him or permit him to be buried in consecrated ground; no priest shall knowingly give him communion; if any priest knowingly violates this decree he shall be deposed.

298. Truce of God [2]

Decrees for the Peace of God, though enacted again and again, had little effect. The feudal lords could not be prevented from attacking one another, even though they were threatened with the eternal torments of Hell. The Church then began to proclaim what was known as the Truce of God (*Treuga Dei*), sometimes alone and sometimes in connection with the peace, as another means of mitigating the evils of private warfare. Such a truce applied at first only to Sunday, but it came to include the whole period from Wednesday evening to Monday morning

[1] The *precarium* was a form of the benefice. The name applied to lands granted on feudal tenure, in response to a letter of request or prayer.

[2] *Translations and Reprints*, vol. i, No. 2, pp. 9–11. Translated by D. C. Munro.

of each week, the season of Lent, and various holy days. Had it been strictly observed, hostilities would have been prevented for most of the year. Though in origin an ecclesiastical regulation, the truce was sometimes adopted by a secular ruler, for the whole land. The following document was issued for the diocese of Cologne in 1083. It furnished the model for a similar truce which Henry IV decreed for the German realm in 1085.

1. From the first day of the Advent of our Lord [1] through Epiphany,[2] and from the beginning of Septuagesima [3] to the eighth day after Pentecost [4] and through that whole day, and throughout the year on every Sunday, Friday and Saturday, and on the fast days of the four seasons, and on the eve and the day of all the apostles, and on all days canonically set apart — or which shall in the future be set apart — for fasts or feasts, this decree of peace shall be observed; so that both those who travel and those who remain at home may enjoy security and the most entire peace, so that no one may commit murder, arson, robbery or assault, no one may injure another with a sword, club or any kind of weapon, and so that no one irritated by any wrong, from the Advent of our Lord to the eighth day after Epiphany, and from Septuagesima to the eighth day after Pentecost, may presume to carry arms, shield, sword or lance, or moreover any kind of armor. On the remaining days indeed, viz., on Sundays, Fridays, apostles' days and the vigils of the apostles, and on every day set aside, or to be set aside, for fasts or feasts, bearing arms shall be legal, but on this condition, that no injury shall be done in any way to any one. If it shall be necessary for any one in the time of the decreed peace — *i.e.*, from the Advent of our Lord to the eighth day after Epiphany, and from Septuagesima to the eighth day after Pentecost — to go from one bishopric into another in which the peace is not observed, he may bear arms, but on the condition that he shall not injure any one, except in self-defence if he is attacked; and when he returns into our diocese he shall im-

[1] The Advent season includes the four Sundays next before Christmas.
[2] January 6, the twelfth day after Christmas.
[3] The third Sunday before Lent.
[4] Otherwise known as Whitsunday.

mediately lay aside his arms. If it shall happen that any castle is besieged during the days which are included within the peace, the besiegers shall cease from attack unless they are set upon by the besieged and compelled to beat the latter back.

2. And in order that this statute of peace should not be violated by any one rashly or with impunity, a penalty was fixed by the common consent of all.[1] . . .

3. It is not an infringement of the peace, if any one orders his delinquent slave, pupil or any one in any way under his charge to be chastised with rods or cudgels. It is also an exception to this constitution of peace, if the Lord King publicly orders an expedition to attack the enemies of the kingdom or is pleased to hold a council to judge the enemies of justice. The peace is not violated if, during the time, the duke or other counts, advocates or their substitutes hold courts and inflict punishment legally on thieves, robbers and other criminals.

4. The statute of this imperial peace is especially enacted for the security of those engaged in feuds; but after the end of the peace, they are not to dare to rob and plunder in the villages and houses, because the laws and penalties enacted before the institution of the peace are still legally valid to restrain them from crime, moreover because robbers and highway men are excluded from this divine peace and indeed from any peace.

5. If any one attempts to oppose this pious institution and is unwilling to promise peace to God with the others or to observe it, no priest in our diocese shall presume to say a mass for him or shall take any care for his salvation; if he is sick, no Christian shall dare to visit him; on his death-bed he shall not receive the Eucharist, unless he repents. The supreme authority of the peace promised to God and commonly extolled by all will be so great that it will be observed not only in our times, but forever among our posterity, because if any one shall presume to infringe, destroy or violate it, either now or ages hence, at the end of the world, he is irrevocably excommunicated by us.

[1] Here follows an enumeration of the penalties.

299. A Panegyric of Warfare [1]

These spirited verses have been assigned, though by no means certainly, to Bertran de Born, one of the best of the troubadours. A native of Aquitaine, castellan of the bishopric of Périgueux, a good knight and a good poet, he chose to sing of war rather than of love, and it is by his war songs that he has always been known. Bertran lived and wrote in the second half of the twelfth century.

I love the spring-tide of the year
When leaves and blossoms do abound,
And well it pleases me to hear
The birds that make the woods resound
With their exulting voices.
And very well it pleases me
Tents and pavilions pitched to see,
And oh, my heart rejoices
To see armed knights in panoply
Of war on meadow and on lea.

I like to see men put to flight
By scouts throughout the countryside,
I like to see, armed for the fight,
A host of men together ride;
And my delight's unbounded
When castles strong I see assailed,
And outworks smashed, whose strength has failed,
And near the walls, surrounded
By moats, and by strong stakes enrailed,
The host that has the ramparts scaled.

And well I like a noble lord
When boldly the attack he leads,
For he, whene'er he wields his sword,
Inspires his men by his brave deeds,
Their hearts with courage filling.
When tide of battle's at the flood,
Each soldier then, in fighting mood,

[1] Barbara Smythe, *Trobador Poets*, London, 1911, pp. 92–94. Chatto and Windus.

To follow should be willing,
For no man is accounted good
Till blows he's given and withstood.

Axes and swords and spears and darts,
Shields battered in with many a blow
We'll see when first the battle starts,
And clash of arms as foe meets foe;
The steeds of dead and dying
Wildly will rush throughout the field,
And all who wish to be revealed
As brave will e'er be trying
How best their axes they may wield,
For they would rather die than yield.

Not so much joy in sleep have I,
Eating and drinking please me less
Than hearing on all sides the cry
"At them!" and horses riderless
Among the woodlands neighing.
And well I like to hear the call
Of "Help!" and see the wounded fall,
Loudly for mercy praying,
And see the dead, both great and small,
Pierced by sharp spear-heads one and all.

Barons, without delaying,
Pawn every city, castle, hall,
And never cease to fight and brawl.

Papiol make no staying,
Lord Yea-and-Nay go rouse and call,
Tell him this peace on me doth pall.

300. A Condemnation of Warfare [1]

The Lollard Conclusions, setting forth the criticisms by the Lollards of the medieval Church, were presented to Parliament in 1394 or 1395.

[1] *The Acts and Monuments of John Foxe*, London, 1837–1841, vol. iii, p. 206. Edited by S. R. Cattley.

The tenth conclusion is, That manslaughter, either by war or by any pretended law of justice, for any temporal cause without a spiritual revelation, is expressly contrary unto the New Testament, which is a law full of grace and mercy. This conclusion is evidently proved by examples of the preaching of Christ here in earth, who specially taught man to love his enemies, and to have compassion upon them, and not to kill them. The reason is this, that for the most part when men do fight, after the first stroke charity is broken; and whosoever dieth without charity, goeth straightway to hell. And beside that, we well know, that none of the clergy can by Scripture or by any legitimate means deliver any from the punishment of death for one deadly sin, and not for another: but the law of mercy, which is the New Testament, forbiddeth all manner of manslaughter. For in the gospel it is said to the fathers, "Thou shált not kill." The corollary is, It is a very robbing of the people, when lords purchase indulgence *a pœna et culpa* [1] for those who do help their armies to kill Christian people in foreign countries for temporal gain; as also we have seen certain soldiers running among the heathen people, to get themselves a name by the slaughter of men. Much rather do they deserve evil thanks at the hands of the King of Peace, forsomuch as it was by humility and patience that our faith was propagated; but fighters and murderers Christ Jesus doth hate and menace, saying, "He that striketh with the sword, shall perish with the sword."

301. Compurgation [2]

The customs and laws of the Teutonic peoples, as followed in feudal courts, made no provision for regular trials before a judge. The court did not require the accused to prove his case by calling witnesses and having them give testimony. The burden of proof lay upon the accused, who had to clear himself of the charge if he could do so. One method of doing so was by compurgation. An accused person declared his innocence under oath and then brought in several compurgators, who swore that they believed him to be telling the truth. The compurgators seem to

[1] "From punishment and blame."

[2] *Translations and Reprints*, vol. iv, No. 4, pp. 4–5. Translated by A. C. Howland.

have been originally kinsmen, who would have been obliged to pay the wergeld in case the accused had been convicted of the charge. Later, a man's neighbors often served in this capacity, or other persons acceptable to the court. Their number varied according to the seriousness of the charge and the rank of the accused. This system was, like all early justice, a system of probabilities; it was not always as unsatisfactory as it seems to be, for a person of evil reputation must have been hard put to find the requisite number of friends who would commit perjury in his behalf, thus calling down on themselves divine punishment for swearing falsely. Compurgation gradually disappeared from European jurisprudence during the later Middle Ages, though in Germany and some of the countries of northern Europe it flourished even in the sixteenth century, and in England it was not formally abolished until 1833. The instance of compurgation given below comes from the *Passio Sancti Bonifatii*, an eleventh-century production.

Some time after this it happened that a certain priest named Adelher was stricken with great weakness. He was indeed deeply devoted to the bishop [1] on account of his noble character, and knowing the latter's secrets he served him truly. And when he perceived the end of life approaching, by the counsel of the man of God he gave what property he had inherited to St. Martin of Mainz. After this, his sickness increasing, he died. Afterwards his brothers violently seized what he had given to St. Martin in the following places. . . . And when they had been summoned and questioned regarding their action, they promised to prove by an oath that the property was rightly theirs; and the bishop promised to be present. On the appointed day they brought together a large number of their relatives. The man of God was likewise there, and when the brothers had fetched their compurgators to the altar he is reported to have said: "If ye will swear, swear alone; I do not desire that ye should cause the damnation of all these." But the brothers took the oath. And immediately the bishop turning to them said: "Have ye sworn?" "We have," they replied. Then to the elder he said: "Thou wilt shortly be killed by a bear"; but to the younger, "Never wilt thou see son or daughter from thy seed." Both of the prophecies proved true. And so the church of St. Martin received the heritage given to it.

[1] St. Boniface.

302. The Ordeal of Hot Iron [1]

The Teutonic peoples, in common with other primitive folk the world over, made much use of the ordeal, as a method of proving innocence and exposing guilt. The medieval ordeal, as developed under the influence of Christianity, formed an appeal to the judgment of God. It was therefore conducted by the clergy, who, if satisfied of the innocence of the accused, might often manipulate the proceedings so as to permit his escape. A common form of ordeal was by fire. The accused walked barefoot over live brands, or stuck his hand into a flame, or carried a red-hot iron for a certain distance, or plunged his arm into boiling water. A man established his innocence by one of these tests if the wound healed properly after three days. Such crude methods of securing justice must have often allowed bold criminals to escape. There were also many occasions when the culprit preferred to confess, rather than incur Divine anger by submitting to the test. The following instance of an ordeal is taken from Gottfried of Strassburg's romance of chivalry, *Tristan*, which was written about 1210.

The good Queen Iseult [2] had given in charity her silks and her gold, her jewels and all she had, horses and raiment, praying that Heaven would look favourably on her, forgive her what she had done amiss, and preserve her honour. Herewith she came to the minster [3] with good courage to face her ordeal.

She wore next her skin a rough garment of hair; above it a short gown of woollen stuff, a hand's breadth above her ankles; her sleeves were rolled up to her elbows, and her hands and feet bare. Many hearts and many eyes beheld her with pity.

Herewith they brought forth the relics, and bade Iseult swear her innocence of this sin before God and the world. Now had Iseult committed life and honour to Heaven, so hand and heart did she proffer reverently to the relics and the oath.

Now were there many there who would fain from ill will have had the queen's oath turned to her shame and downfall. The

[1] Jessie L. Weston, *The Story of Tristan and Iseult from the German of Gottfried von Strassburg*, London, 1899, vol. ii, pp. 83–85.

[2] Daughter of the king of Ireland, married to King Mark of Cornwall. She and Tristan, Mark's nephew, had drunk by mistake a love potion, which bound them irrevocably to each other. Their intrigues being suspected, Iseult to prove her innocence offers to undergo the ordeal by fire.

[3] Westminster.

envious seneschal, Marjodo, strove to harm her in every way he might; while there were many who honoured Iseult, and would fain see her come off scatheless; so there was great strife among them as to the manner of the queen's oath.

"My lord the king," spake Iseult, "whatsoever any may say, I must needs swear in such wise as shall content thee. Say thyself what I shall speak or do. All this talk is too much. Hearken how I will swear to thee. No man hath touched this my body . . . other than thou thyself, and this man whom I cannot deny, since ye all saw me in his arms — the poor pilgrim![1] So help me God and all the saints, to the happy issue of this ordeal! If this be not enough, my lord, I will better mine oath as thou shalt bid me."

"Lady," said King Mark, "methinks 'tis enough. Now take the iron in thine hand, and God help thee in thy need."

"Amen," said fair Iseult. Then in God's name she seized the iron, and carried it, and it burnt her not.

And so, had men but known it, they might have seen that God at whiles doth let the wrong triumph, since He turned not this oath, which was true in the letter yet false in spirit, to the confusion of the queen, but ruled matters so that she came forth from the ordeal victorious, and was held in greater love and honour by Mark and his people than ever before; all his thoughts and all his heart were truly set upon her, and his doubts had passed away.

303. The Ordeal of Bread[2]

Godwin, earl of the West Saxons, was the leading man in England under Edward the Confessor. In 1053 he fell into a fit at the king's table and died a few days later. The circumstances of his death, as related by Roger of Wendover, are evidently unhistorical.

Eadward king of England kept the festival of Easter at Winchester, and as he sat at meat, his butler, while carrying the

[1] Tristan, in disguise, had carried her from the shore to the vessel in which she crossed the Thames for the appointed ordeal at Westminster.

[2] Roger of Wendover, *Flores historiarum, sub anno* 1053. J. A. Giles, *Roger of Wendover's Flowers of History*, London, 1849, vol. i, pp. 311–312. G. Bell and Sons, Ltd.

king's goblet of wine to the table, struck one foot against the floor, but recovering himself with the other, saved himself from falling. On seeing which, Earl Godwin, who, as was his custom, sat with the king at table, remarked, "One brother has helped the other." To whom the king gave this cutting reply, "And my brother would now be able to aid me, had it not been for Godwin's treachery." Godwin, who had betrayed the king's brother, not enduring this reply, said, "I know, O king, that you have me in suspicion touching the death of your brother; but, as God is true and righteous, may this morsel of bread choke me if ever your brother received his death or bodily harm through me or by my counsel." The king then blessed the morsel, which Godwin put into his mouth, and, being conscious of his guilt, he was choked and died. Seeing him pale and lifeless, the king exclaimed, "Take forth this dog and traitor, and bury him in a cross-way, for he is unworthy of Christian sepulture." But his sons who were present, removed their father from the table, and buried him, without the king's knowledge, in the Old Minster of that city. The king then gave the dukedom of Kent to Godwin's son Harold, who was the commander of his forces.

304. Abolition of the Ordeal in Sicily [1]

The enlightened Holy Roman Emperor, Frederick II (reigned 1212–1250), in the code of laws which he gave to his Sicilian kingdom prohibited the use of any form of the ordeal.

The laws which are called by certain ingenuous persons *paribiles*,[2] which neither regard nature nor give heed to the truth, We, who investigate the true science of laws and reject their errors, abolish from our tribunals; forbidding by the edict published under sanction of our name all the judges of our kingdom ever to impose on any of our faithful subjects these *paribiles* laws, which ought rather to be called laws that conceal the truth; but let them be content with ordinary proofs such as are prescribed in the ancient laws and in our constitutions. Indeed, we consider that they deserve ridicule rather than instruction

[1] *Translations and Reprints*, vol. iv, No. 4, p. 18. Translated by A. C. Howland.

[2] *Lex paribilis*, from a duel or combat of peers or champions.

who have so little understanding as to believe that the natural heat of red-hot iron grows mild, nay (what is more foolish), even turns to coldness without the working of an adequate cause; or who assert that on account of a troubled conscience alone a criminal does not sink into the cold water, when rather it is the holding in of sufficient air that does not allow of his being submerged.

305. A Judicial Combat [1]

The medieval judicial combat, also called wager of battle, seems to have developed out of the private duel between the two parties to a dispute. As a form of judicial procedure it became substantially an ordeal, but a bilateral ordeal, resorted to in cases where doubt existed as to the guilt of the accused. The appeal to the judgment of God served as a substitute for human evidence in a rude society fond of fighting and given over to superstition. The *Song of Roland*, a French epic poem (*chanson de geste*) composed in the eleventh century, contains a very detailed description of a judicial combat. It is fought to determine the innocence or guilt of Ganelon, who has been charged with treachery toward Roland. The contestants are Ganelon's kinsman Pinabel and the knight Thierry, who represents Charlemagne.

Confessed are they both and absolved from their iniquity, and they have received the blessing of the holy Church. Mass they have heard and taken holy sacrament, and many costly gifts have they offered to the churches. But now they stand, both before the emperor; their spurs have they firmly fastened to their heels, and light and glistening hauberks they have donned. Their helmets they have closed over their heads, and girded on their broad-swords, with hafts of purest gold; their quartered shields have they suspended to their necks, and in their right hands they hold their keen-edged lances. And now behold them mounted on their swift battle-chargers. Then a hundred thousand valiant knights shed tears of sympathy for Thierry. Out of love to Roland they did it, for God alone knows what will be the issue of the conflict.

Very large is the meadow below the town of Aix,[2] where the

[1] *Chanson de Roland*, 3859–3946. Jessie Crosland, *The Song of Roland*, London, 1907, pp. 179–183. Chatto and Windus.

[2] Aix-la-Chapelle (Aachen), Charlemagne's capital.

two noble barons have joined the mortal combat. Valiant warriors are they both, and great is their prowess in battle, and their steeds are swift of foot and eager for the fray. And right fiercely do the riders spur them onward, and with slackened reins they rush upon each other, and strike with might and main. Shattered are their shields, and their hauberks rent in twain, and the bands that gird their horses are severed, so that the riders have fallen from their saddles to the earth. . . .

To earth have the fighters fallen, but quickly they have risen to their feet again. Very strong is Pinabel, both swift and light of foot. And each one seeks the other, for they are mounted now no longer, and with golden-hilted swords they shower blows upon the steel-wrought helmets. Terrible are their blows, such as might shatter a helmet all to pieces, and sorely the Frankish warriors lament their struggling comrades. "Ah, God!" quoth Charlemagne, "make it manifest now on whose side is the right!"

Then spake Pinabel, and said, "Repent thee now, Thierry, and I will do thee homage in love and lealty, and all my great possessions shall be for thy disposal. Only this do I demand, that thou shouldest cause the king to pardon Ganelon." But Thierry made answer: "Far from me be the thought, for a vile traitor were I if I harboured thy proposal. May God cause the right to be victorious this day!"

And Thierry spake again: "Very valiant art thou, Pinabel, for thy strength is great, and right shapely art thou molded. Full well thy comrades know that thou art doughty in the fight. But now let be this battle, and yield thyself to Charlemagne; and as to Ganelon, such justice shall be done him that ever more shall one hear tell of this affair." But Pinabel made answer: "Nay, God in heaven forbid! Ever I am minded to uphold my kinsmen, and never shall I yield for mortal man. Better far were it to die than deserve reproach." And so once again they set to with their swords, and fearful were the blows they dealt upon the studded helmets, so that the sparks flew upwards therefrom. Now can nothing separate the fighters, and in no wise can the combat cease ere one of them be slain.

A valiant warrior is Pinabel of Sorence, and he has smitten Thierry upon his well-wrought helmet, so that fire flashes forth and kindles in the grass. And the front part of the helmet has he severed from the rest, so that the blade has passed beneath upon his visage. And behold the blood flows from his right cheek, and his hauberk is rent in twain upon his body, and surely he were slain had he not received succour from God.

And when Thierry perceived that he was smitten in the face, and that his blood was flowing upon the grassy meadow, then he smote Pinabel upon his burnished helmet, and to the nose-piece has he cloven it in sunder. And Pinabel's brains issued from his head; but Thierry brandished his sword and struck him lifeless to the ground. Then cried the men of France: "Behold God has wrought this wonder. Now we know that it is right that Ganelon be hanged, both he and all the kinsmen who spake on his behalf."

And when Thierry perceived that he had vanquished, straightway he approached the emperor, and with him there came four of his comrades, Naimes the duke and Ogier of Denmark, Geofroy of Anjou, and William of Blaye. Then the emperor took Thierry between his arms, and with his costly fur he wiped his visage, then threw his mantle from him and clad him in another. Gently the warriors disarmed him and placed him on an Arab mule. And so they came to Aix with gladness and great joy, and there before the castle they descended from off their horses. And thereupon began the judgment of the traitors.

306. Abolition of the Judicial Combat in Sicily [1]

The judicial combat survived in most European countries until the close of the Middle Ages. It was occasionally resorted to as late as the sixteenth century, and in England it was not formally abolished until 1819. Various circumstances contributed to the decline and final disappearance of the practice. Councils and popes threw the influence of the Church against it. The kings, anxious to get into their own hands the administration of justice, naturally opposed it. The revival of Roman law, as embodied in Justinian's code, helped to undermine it,

[1] *Translations and Reprints*, vol. iv, No. 4, pp. 21–22. Translated by A. C. Howland.

together with other feudal institutions. The increase of knowledge and decay of superstition worked in the same direction. Frederick II in the thirteenth century prohibited the general use of the judicial combat in Sicily, as he also abolished resort to ordeals.

We will that the single combat, or duel, as it is commonly called, shall never be adjudged between men subject to our jurisdiction, except in a few specified cases; for it cannot be called so much a real proof as a sort of divination, which is not in accord with nature but is opposed to universal law and inconsistent with just reason. For it is almost if not quite impossible for two champions to come together so equally matched that the one is not wholly superior to the other in strength or does not excel him in some other way by greater vigor and courage or at least in cleverness. But we exclude from the benefit of this humane edict murderers who are charged with having caused the death of others by using poison or some other secret means; and even against these we do not sanction the wager of battle at the beginning of the trial, but command that ordinary proofs be first adduced against them if there be any such at hand, and that only then, as a last resort, when the crime cannot be fully established by other proofs after a thorough investigation by the officials of the court, resort may be had to the judgment of battle to decide the above charges: and we wish all these things to be arranged through the medium of a judge fully cognizant of the proceedings, that he may carefully and diligently investigate the proofs brought out by the inquisition. . . .

Nor is it strange if we subject traitors, secret murderers and poisoners to the duel (though not so much as a method of judgment as to terrify them); not because our Serenity deems that just in their case which it has declared unjust in others, but because we desire that such homicides as have not feared to lay secret plots against human life, which God's power alone can call into existence, should be publicly subjected to this terrible method of proof in the sight of all men as a punishment and an example to others. Those also we exclude from the terms of our leniency who do not hesitate to plot against our peace in which the peace of all the rest is involved.

307. Torture by Law [1]

The use of torture to obtain a confession from an accused person never had the sanction of the Common Law of England. When resorted to, it was invariably of an extraordinary or extra-judicial nature, being ordered by Crown or Council or by some tribunal not bound to act in accordance with Common Law rules. The attitude of English lawyers toward it is eloquently expressed by Sir John Fortescue, who wrote his masterly vindication of the laws of England in the latter part of the fifteenth century. Chapter XXII is here quoted.

For this reason, the Laws of France, in capital cases, do not think it enough to convict the accused by evidence, lest the innocent should thereby be condemned; but they choose rather to put the accused themselves to the Rack, till they confess their guilt, than rely entirely on the deposition of witnesses, who, very often, from unreasonable prejudice and passion, sometimes at the instigation of wicked men, are suborned, and so become guilty of perjury. By which over cautious and inhuman stretch of policy, the suspected, as well as the really guilty, are, in that kingdom, tortured so many ways, as is too tedious and bad for description. Some are extended on the rack, till their very sinews crack, and the veins gush out in streams of blood: others have weights hung to their feet, till their limbs are almost torn asunder, and the whole body dislocated: some have their mouths gagged to such a wideness, for a long time, whereat such quantities of water are poured in, that their bellies swell to a prodigious degree, and then being pierced with a faucet, spigot, or other instrument for the purpose, the water spouts out in great abundance, like a whale (if one may use the comparison) which, together with his prey, having taken in vast quantities of sea-water returns it up again in spouts, to a very great height.

To describe the inhumanity of such exquisite tortures affects me with too real a concern, and the varieties of them are not to be recounted in a large volume. The Civil Laws [2] themselves, where there is a want of evidence in criminal cases, have recourse to the

[1] Francis Gregor, *Fortescue; De Laudibus Legum Angliæ*, Cambridge, 1825, pp. 70–73. Edited by Andrew Amos.

[2] The *Corpus Juris Civilis*.

like methods of torture for sifting out the truth. Most other kingdoms do the same: now, what man is there so stout or resolute, who has once gone through this horrid trial by torture, be he never so innocent, who will not rather confess himself guilty of all kinds of wickedness, than undergo the like tortures a second time? Who would not rather die once, since death would put an end to all his fears, than to be killed so many times, and suffer so many hellish tortures, more terrible than death itself? . . .

Such confessions as these, alas! a great many others of those poor wretches make, not led by a regard to truth, but compelled to it, by the exquisiteness of their torments: now, what certainty can there arise from such extorted confessions; but, suppose a person falsely accused should have so much courage, so much sense of a life after this, as, amidst the terrors of this fiery trial . . . neither to dishonour God, nor lie to the damnation of his soul, so that the judge should hereupon pronounce him innocent: does he not with the same breath pronounce himself guilty of all that cruel punishment, which he inflicted upon such person undeservedly? And how inhuman must that law be, which does its utmost to condemn the innocent, and convict the judge of cruelty? A practice, so inhuman, deserves not indeed to be called a law, but the high road to hell. O judge! in what school of humanity did you learn this custom of being present and assisting, while the accused wretch is upon the rack. The execution of the sentence of the law upon criminals is a task fit only for little villains to perform, picked out from amongst the refuse of mankind, who are thereby rendered infamous for ever after, and unfit to act, or appear, in any Court of Justice. . . .

Perhaps, the judge will say, I have done nothing of myself in inflicting these tortures, which are not by way of punishment, but trial; but, how does it differ, whether he does it himself, while he is present on the bench, and, with reiterated commands, aggravates the nature of the crime, and encourages the officer in the execution of his office. It is only the master of the ship who brings her into port, though, in pursuance of his orders, others ply the steerage: for my own part, I see not how it is

possible for the wound, which such a judge must give his own conscience, ever to close up, or be healed; as long, at least, as his memory serves him to reflect upon the bitter tortures so unjustly and inhumanly inflicted on the innocent.

SECTION XVII

NATIONAL MONARCHIES

308. Laws of Ethelbert I [1]

The earliest laws to be written in a Teutonic language were those of Ethelbert I (Æthelberht), who was reigning in Kent when Augustine and his brother monks brought Christianity to the heathen Kentish folk. Augustine settled at Canterbury in 597 and Ethelbert died in 616 or 617, so that the king's laws must have been issued some time between these two dates. There are ninety titles, many of them enumerating various injuries to the person and the fines appropriate for each class of injuries. They do not form a complete code, for various customary rules, assumed to be known, are not mentioned. The laws are extant only in a transcript dating from the early twelfth century.

1. Theft of God's property and the Church's shall be compensated twelve-fold; a bishop's property eleven-fold; a priest's property nine-fold; a deacon's property six-fold; a clerk's property three-fold. Breach of the peace shall be compensated doubly when it affects a church or a meeting place.

2. If the king calls his lieges to him, and anyone molests them there, he shall pay double compensation, and 50 shillings [2] to the king.

3. If the king is feasting at anyone's house, and any sort of offence is committed there, twofold compensation shall be paid.

4. If a freeman robs the king, he shall pay back a nine-fold amount.[3]

5. If one man slays another on the king's premises, he shall pay 50 shillings compensation.

6. If a man slays a freeman, he shall pay 50 shillings to the king for infraction of his seignorial rights.

[1] F. L. Attenborough, *The Laws of the Earliest English Kings*, Cambridge, 1922, pp. 5–17. University Press.

[2] The Kentish shilling was probably the price of an ox.

[3] The compensation due to the king is less than that due to a bishop (see title 1).

7. If he slays a smith in the king's service, or a messenger belonging to the king, he shall pay an ordinary wergeld.[1]

9. If a freeman robs a freeman, he shall pay a three-fold compensation, and the king shall take the fine, or all the man's goods.

13. If one man slays another on the premises of a nobleman, he shall pay 12 shillings compensation.

21. If one man slays another, the ordinary wergeld to be paid as compensation shall be 100 shillings.

22. If one man slays another, he shall pay 20 shillings before the grave is closed, and the whole of the wergeld within 40 days.

23. If a homicide departs from the country, his relatives shall pay half the wergeld.

74. Compensation for injury to be paid to an unmarried woman, shall be on the same scale as that paid to a freeman.

77. If a man buys a maiden, the bargain shall stand, if there is no dishonesty. If however there is dishonesty, she shall be taken back to her home, and the money shall be returned to him.

78. If she bears a living child, she shall have half the goods left by her husband, if he dies first.

79. If she wishes to depart with her children, she shall have half the goods.

80. If the husband wishes to keep the children, she shall have a share of the goods equal to a child's.

81. If she does not bear a child, her father's relatives shall have her goods, and the "morning gift." [2]

82. If a man forcibly carries off a maiden, he shall pay 50 shillings to her owner, and afterwards buy from the owner his consent.

83. If she is betrothed, at a price, to another man, 20 shillings shall be paid as compensation.

84. If she is brought back, 35 shillings shall be paid, and 15 shillings to the king.

[1] As stated below (title 21), the wergeld of an ordinary freeman is 100 shillings. The wergeld was the compensation payable to the kindred of a slain man.

[2] The bridegroom's gift to his bride after the wedding. Among wealthy people it often took the form of a gift of land.

86. If one servant slays another, who has committed no offence, he shall pay his full value.

87. If the eye and foot of a servant are destroyed by blows, his full value shall be paid.

88. If a man lays bonds on another man's servant, he shall pay 6 shillings compensation.

89. The sum to be paid for robbing a slave on the highway shall be 3 shillings.

90. If a slave steals, he shall pay twice the value of the stolen goods, as compensation.

309. Dooms of Alfred the Great [1]

Many of the earlier collections of Anglo-Saxon laws, beginning with those of Ethelbert I, represent little more than an attempt to set down in writing certain primitive Teutonic customs that were in danger of being forgotten or that required to be amended in one way or another. The laws (or dooms) of King Alfred and of some of his successors aspire to the inclusive character of codes and hence possess an added interest. Their importance as historical documents is enhanced by the absence of authentic contemporary literature dealing with this period of English history. Alfred's laws probably belong to the latter part of his reign, after the pressure of the Danes had relaxed, certainly after the so-called Treaty of Wedmore in 878. They contain seventy-seven titles.

1. In the first place we enjoin you, as a matter of supreme importance, that every man shall abide carefully by his oath and his pledge. If anyone is wrongfully constrained to promise either of these: to betray his lord or to render aid in an unlawful undertaking, then it is better to be false to the promise than to perform it. . . .

4. If anyone plots against the life of the king, either on his own account or by harbouring outlaws, or men belonging to the king himself, he shall forfeit his life and all he possesses. If he wishes to clear himself from such a charge, he shall do it by an oath equal to the king's wergeld. And likewise with regard to all classes, both commoners and nobles, we ordain: he who plots against the life of his lord shall forfeit his life to him, and all he

[1] F. L. Attenborough, *The Laws of the Earliest English Kings*, Cambridge, 1922, pp. 63–87. University Press.

possesses, or he shall clear himself by an oath equal to his lord's wergeld.

5. Further, we grant to every church consecrated by a bishop this right of sanctuary: if a man, attacked by enemies, reaches it either on foot or on horseback, he shall not be dragged out for seven days, if he can live despite hunger, and unless he himself comes out and fights. If, however, anyone does try to drag him out, he shall forfeit the amount due for violation of the king's guardianship and fine for violating the sanctuary of the church — and a greater amount if he seizes more than one person in such a place. . . .

13. If one man kills another unintentionally, by allowing a tree to fall on him while they are engaged on a common task, the tree shall be given to the dead man's kindred and they shall remove it within 30 days from the locality. Otherwise, it shall be taken by him who owns the wood.

14. If anyone is born dumb or deaf, so that he can neither deny nor confess his wrongdoings, his father shall pay compensation for his misdeeds.

15. If anyone fights, or draws his weapon in the presence of the archbishop, he shall pay 150 shillings compensation; if this happens in the presence of another bishop or of an ealdorman,[1] he shall pay 100 shillings compensation.

24. If a beast injures a man, its owner must hand over the beast to the injured man, or come to terms with him.

32. If anyone utters a public slander, and it is proved against him, he shall make amends on no lighter terms than the excision of his tongue, with the provision that it shall not be ransomed at a cheaper price than its value, estimated according to the man's wergeld.[2]

42. Also we enjoin, that a man who knows his adversary to be residing at home, shall not have recourse to violence before demanding justice of him. If he has power enough to surround his adversary and besiege him in his house, he shall keep him

[1] The ealdorman was one who governed a territory as viceroy or lord lieutenant; later generally called an earl.

[2] *I.e.*, at one-third of the man's wergeld.

therein seven days, but he shall not fight against him if he [his adversary] will consent to remain inside his residence. And if, after seven days, he will submit and hand over his weapons, he shall keep him unscathed for thirty days, and send formal notice of his position to his kinsmen and friends. If, however, he flees to a church, the privileges of the church shall be respected, as we have declared above. If, however, he has not power enough to besiege him in his house, he shall ride to the ealdorman and ask him for help. If he will not help him, he shall ride to the king before having recourse to violence. . . . We further declare that a man may fight on behalf of his lord, if his lord is attacked, without becoming liable to vendetta. Under similar conditions a lord may fight on behalf of his man. In the same way a man may fight on behalf of one who is related to him by blood, if he is attacked unjustly, except it be against his lord. This we do not permit. . . .

43. The following days shall be granted as holidays to all free men, though not to slaves and hired labourers: twelve days at Christmas and the day on which Christ overcame the devil; the anniversary of St. Gregory; seven days before Easter and seven days after; one day at the festival of St. Peter and St. Paul; and in autumn, the full week before St. Mary's mass; and one day at the celebration of All Saints. The four Wednesdays in the four Ember weeks [1] shall be granted as holidays to all slaves whose chief desire is to sell anything which has been given to them in God's name, or which they are able to acquire by their labour in any portions of time at their disposal.

310. Canute's Code [2]

This body of laws, which was probably issued either in 1027 or between 1029–1034, falls into two parts, the first dealing with ecclesiastical affairs, the second mainly with secular matters. It follows rather closely the enactments of earlier kings, thus illustrating the continuity of the legal principles developed in Anglo-Saxon times. The titles here quoted are from the second, or secular, ordinance.

[1] The Ember weeks were those set apart by the Roman Church for special prayer and fasting, and for the ordination of clergy.

[2] Alice J. Robertson, *The Laws of the Kings of England from Edmund to Henry I*, Cambridge, 1925, pp. 175–181. University Press.

1. The first provision is, that I desire that justice be promoted and every injustice zealously suppressed, that every illegality be rooted up and eradicated from this land with the utmost diligence, and the law of God promoted. And henceforth all men, both poor and rich, shall be regarded as entitled to the benefit of the law, and just decisions shall be pronounced on their behalf.

2. And we enjoin that, even if anyone sins and commits grievous crime, the punishment shall be ordered as shall be justifiable in the sight of God and acceptable in the eyes of men. . . . And we forbid the practice of condemning Christian people to death for very trivial offences. On the contrary, merciful punishments shall be determined upon for the public good, and the handiwork of God and the purchase which he made at a great price shall not be destroyed for trivial offences.

3. We forbid the all too prevalent practice of selling Christian people out of the country, and especially of conveying them into heathen lands, but care shall be zealously taken that the souls which Christ bought with his own life be not destroyed.

4. And we enjoin that the purification of the land in every part shall be diligently undertaken, and that evil deeds shall everywhere be put an end to. If wizards or sorcerers, those who secretly compass death, or prostitutes be met with anywhere in the land, they shall be zealously driven out of this land or utterly destroyed in the land, unless they cease from their wickedness and make amends to the utmost of their ability. We enjoin that apostates and those who are cast out from the fellowship of God and of men shall depart from the land, unless they submit and make amends to the utmost of their ability. And thieves and robbers shall forthwith be made an end of, unless they desist.

5. We earnestly forbid all heathen practices. Namely, the worship of idols, heathen gods, and the sun or the moon, fire or water, springs or stones or any kind of forest trees, or indulgence in witchcraft, or the compassing of death in any way, either by sacrifice or by divination or by the practice of any such delusions.[1]

[1] Such practices were first forbidden by Erconbert of Kent (640–664).

6. Murderers and perjurers, injurers of the clergy, and adulterers shall submit and make amends or depart with their sins from their native land.

7. Hypocrites and liars, robbers and plunderers shall incur the wrath of God, unless they desist and make amends to the utmost. And he who desires to purify the land aright and to suppress injustice and cherish righteousness must zealously prohibit and avoid such crimes.

8. Let us all likewise very zealously take thought for the promotion of public security and the improvement of the coinage — for the promotion of public security in such a way as shall be best for householders and worst for thieves, and for the improvement of the coinage in such a way that there shall be one currency free from all adulteration throughout this land; and no one shall refuse it. And he who henceforth coins false money shall forfeit the hand with which he made the false money, and he shall not redeem it in any way, either with gold or with silver. And if the reeve is accused of having granted his permission to the man who coined false money, he shall clear himself by the triple oath of exculpation, and if it fails, he shall have the same sentence as the man who has coined the false money.[1]

9. Measures and weights shall be diligently corrected, and an end put to all unjust practices.

10. And henceforth the repair of fortifications and bridges, and the preparation of ships and the equipment of military forces likewise shall be diligently undertaken for the common need, whenever the occasion arises.

11. And thought shall diligently be taken in every way how best to determine what is advisable for the public good, and how best to promote true Christianity and diligently suppress every injustice. For it is only by the suppression of injustice and the love of righteousness, in matters both religious and secular, that any improvement shall be obtained in the condition of the country. Amen.

[1] A good deal of false money was produced during Canute's reign, not in England, but in Scandinavia.

311. The Ten Articles of William the Conqueror [1]

These statutes, which were originally written in Latin, are preserved in a large number of manuscripts. They seem to have been compiled during the early years of the twelfth century. If not actually the work of the Conqueror, they embody his genuine decrees and regulations.

1. In the first place, he desires above all that one God should be honoured throughout the whole of his kingdom, and that one Christian faith should be kept inviolate, and that peace and security should be maintained among the English and Normans.

2. Further, we have decreed that all freemen shall affirm by covenant and oath, that, both in and out of England, they will be loyal to King William, and along with him uphold his lands and honour with the utmost loyalty, and defend them before him against his enemies.

3. I desire likewise that all the men whom I brought with me or who have come after me shall enjoy the benefit of my protection. And if any of them is slain, his lord shall arrest the slayer within five days, if he can. If not, however, he shall begin to pay me 46 marks of silver from the property of that lord as long as it lasts out. When, however, the property of the lord fails, the whole hundred [2] in which the murder was committed shall pay in common what remains.

4. But every Frenchman who, in the time of King Edward, my kinsman, was admitted to the status of an Englishman, which they call being "in lot and in scot," [3] shall be paid for according to English law.

5. Further, we forbid the buying and selling of any livestock except within towns and before three trustworthy witnesses, likewise that of any second-hand goods without a surety and warrantor. If anyone does otherwise, he shall pay the value of the goods twice over and in addition the fine for insubordination.[4]

[1] Alice J. Robertson, *The Laws of the Kings of England from Edmund to Henry I*, Cambridge, 1925, pp. 239–243. University Press.

[2] Counties or shires were subdivided into smaller districts known as hundreds in southern England.

[3] A traditional phrase to indicate the rights and duties of a freeman.

[4] A regulation apparently intended to prevent the sale of stolen goods.

6. It has likewise been decreed that, if a Frenchman summon an Englishman for perjury or murder, theft, homicide or "ran," by which the English mean open robbery which cannot be denied, the Englishman shall defend himself by whichever method he prefers, either the ordeal of iron or trial by combat. If, however, the Englishman is infirm, he shall find a substitute to act for him. If either of them is defeated, he shall pay 40 shillings to the King. If however, an Englishman summons a Frenchman and declines to prove the charge by ordeal or by combat, it is my will that the Frenchman shall clear himself by a comprehensive oath.[1]

7. I likewise enjoin and desire that all men shall keep and observe the law of King Edward relating to the tenure of estates and all other matters, with the additions which I have decreed for the benefit of the English nation.

8. Everyone who desires to keep the status of a freeman shall be in a frankpledge,[2] so that the frankpledge may bring him to justice, if he has committed an offence.

8. And if any such escapes, the members of the frankpledge shall be responsible for the simple payment of what is claimed, and shall clear themselves from the charge of any knowledge of fraud on the part of the runaway. . . .

9. I forbid anyone to sell a man out of the country, under pain of incurring the full fine for insubordination to me.

10. I likewise prohibit the slaying or hanging of anyone for any offence, but his eyes shall be put out and he shall suffer castration; and this decree shall not be violated under pain of incurring the full fine for insubordination to me.

312. Charter of Henry II [3]

This charter was issued by Henry II at his coronation in 1154, in imitation of earlier charters of liberty granted by Henry I and Stephen.

Henry, by the grace of God, king of England, duke of Normandy and Aquitaine, and count of Anjou, to all the earls,

[1] This article contains the first reference in English law to the judicial combat.

[2] *I.e.*, have a surety.

[3] *Translations and Reprints*, vol. i, No. 6, pp. 5–6. Translated by E. P. Cheyney.

barons, and his faithful, French and English, greeting. Know that, to the honor of God and of the holy church and for the advantage of my whole kingdom, I have conceded and granted, and by my present charter confirmed to God and to the holy church, and to all the earls and barons, and to all my men all the concessions and grants and liberties and free customs which King Henry,[1] my grandfather, gave and conceded to them. Similarly also, all the evil customs which he abolished and remitted, I remit and allow to be abolished for myself and my heirs. Therefore, I will and strictly require that the holy church and all the earls and barons, and all my men should have and hold all those customs and grants and liberties and free customs, freely and quietly, well and in peace, and completely, from me and my heirs to them and their heirs, as freely and quietly and fully in all things as King Henry, my grandfather, granted and conceded to them and by his charter confirmed them. Witness, Richard de Luci, at Westminster.

313. Magna Carta [2]

The Great Charter stands foremost among the constitutional documents which established the liberties of Englishmen. Nevertheless, it did not form an innovation. King John's predecessors, Henry I, Stephen, and Henry II, had issued coronation or accession charters restricting the authority of the sovereign in favor of nobles, clergy, and commons. The Great Charter was suggested by and based upon these earlier grants. The barons who forced it on King John in 1215 took care that it should be widely known and distributed sealed copies throughout the land. Of these, four are still in existence: two in the British Museum and two in the cathedrals of Lincoln and Salisbury, respectively. The division of the document into a preamble and sixty-three clauses is not found in any of the original copies. Clauses marked with an asterisk were omitted in subsequent issues.

1. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs for ever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed;

[1] Henry I (1100–1135).

[2] W. S. McKechnie, *Magna Carta* (Second Edition), Glasgow, 1914, pp. 191–479 *passim*. MacLehose, Jackson, and Company.

which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs for ever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

* 12. No scutage [1] nor aid [2] shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

* 14. And for obtaining the common counsel of the kingdom anent the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moreover cause to be summoned generally, through our sheriffs and bailiffs, all others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.[3]

15. We will not for the future grant to any one licence to take

[1] Scutage was a direct tax in commutation of military service.

[2] The three aids were direct taxes paid by the tenant to his lord upon the three occasions here specified.

[3] This promise of a common council, or parliament, was withdrawn in the reign of John's successor, Henry III.

an aid from his own free tenants, except to ransom his body, to make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.

17. Common pleas [1] shall not follow our court, but shall be held in some fixed place.

18. Inquests of *novel disseisin*,[2] of *mort d'ancestor*,[3] and of *darrein presentment*,[4] shall not be held elsewhere than in their own county-courts, and that in manner following, — We, or, if we should be out of the realm, our chief justiciar, will send two justiciars through every county four times a year, who shall, along with four knights of the county chosen by the county, hold the said assizes [5] in the county court, on the day and in the place of meeting of that court.

20. A freeman shall not be amerced for a slight offence, except in accordance with the degree of the offence; and for a grave offence he shall be amerced in accordance with the gravity of the offence, yet saving always his "contenement"; [6] and a merchant in the same way, saving his "merchandise"; and a villein shall be amerced in the same way, saving his "wainage" — if they have fallen into our mercy: and none of the aforesaid amercements [7] shall be imposed except by the oath of honest men of the neighbourhood.

28. No constable or other bailiff of ours shall take corn or other provisions from any one without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.

29. No constable shall compel any knight to give money in lieu of castle-guard, when he is willing to perform it in his own person, or (if he himself cannot do it from any reasonable cause)

[1] That is, law suits in which the Crown had no special interest.

[2] Dispossession.

[3] Death of the ancestor; that is, in cases of disputed possession to land.

[4] Last presentation to a benefice.

[5] The word "assize" here means an assembly of knights or other substantial persons, held at a certain time and place where they sit with the justiciar.

[6] That by which a person subsists and which is essential to his rank in life.

[7] An amercement was a payment demanded from a wrongdoer who wished to buy himself back under protection of the law.

then by another responsible man. Further, if we have led or sent him upon military service, he shall be relieved from guard in proportion to the time during which he has been on service because of us.

30. No sheriff or bailiff of ours, or other person, shall take the horses or carts of any freeman for transport duty, against the will of the said freeman.

31. Neither we nor our bailiffs shall take, for our castles or for any other work of ours, wood which is not ours, against the will of the owner of that wood.

32. We will not retain beyond one year and one day, the lands of those who have been convicted of felony, and the lands shall thereafter be handed over to the lords of the fiefs.[1]

39. No freeman shall be taken or [and] imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or [and] by the law of the land.[2]

40. To no one will we sell, to no one will we refuse or delay, right or justice.

41. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

* 45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

* 47. All forests that have been made such in our time shall

[1] Forfeiture for felony was abolished by laws passed in the reign of Queen Victoria.

[2] This famous clause, requiring judgment of peers, has been often and erroneously indentified with trial by jury.

forthwith be disafforested; and a similar course shall be followed with regard to river-banks that have been placed "in defence" [1] by us in our time.

* 48. All evil customs connected with forests and warrens, foresters and warreners, sheriffs and their officers, river-banks and their wardens, shall immediately be inquired into in each county by twelve sworn knights of the same county chosen by the honest men of the same county, and shall, within forty days of the said inquest, be utterly abolished, so as never to be restored, provided always that we previously have intimation thereof, or our justiciar, if we should not be in England.

60. Moreover, all these aforesaid customs and liberties, the observance of which we have granted in our kingdom as far as pertains to us towards our men, shall be observed by all of our kingdom, as well clergy as laymen, as far as pertains to them towards their men.

61. Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance for ever, we give and grant to them the under-written security, namely, that the barons choose five-and-twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter. . . .

* 63. Wherefore it is our will, and we firmly enjoin, that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, for us and our heirs, in all respects and in all places for ever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent.

[1] That is, reserved for the king's exclusive use when engaged in falconry.

314. Confirmatio Cartarum [1]

Not less than thirty-eight distinct confirmations of the Great Charter, by sovereigns subsequent to John, are recorded. The most important is the Confirmation of the Charters, issued by Edward I in 1297. Though in form a charter, it was really a statute, passed by a Parliament representing nobles, clergy, and commons, and ratified by the king. By the sixth clause, Edward I recognized the principle that no new or extraordinary taxes should be levied without the consent of Parliament. This clause was often referred to in later times, especially by the parliamentary leaders who resisted the encroachments of the Stuarts.

1. Know ye that we to the honour of God and of holy Church, and to the profit of all our realm, have granted for us and our heirs, that the Great Charter of Liberties and the Charter of the Forest, which were made by common assent of all the realm, in the time of King Henry our father, shall be kept in every point without breach.[2] . . .

2. And we will that if any judgment be given from henceforth, contrary to the points of the charters aforesaid, by the justices or by any other our ministers that hold plea before them against the points of the charters, it shall be undone and holden for naught.

3. And we will that the same charters shall be sent under our seal to cathedral churches throughout our realm, and there remain, and shall be read before the people twice in the year.

4. And that archbishops and bishops shall pronounce sentences of greater excommunication against all those that by word, deed, or counsel shall go against the foresaid charters, or that in any point break or go against them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the same prelates or any of them be remiss in the denunciation of the said sentences, the Archbishops of Canterbury and York for the time being, as is fitting, shall

[1] *Statutes of the Realm*, 25 Edward I, Stat. 1, caps. 1–7. William Stubbs, *Select Charters and Other Illustrations of English Constitutional History* (edited by H. W. C. Davis), Oxford, 1913, pp. 492–493. Clarendon Press.

[2] Henry III had granted a Charter of Liberties, embodying many of the provisions of Magna Carta, and also a separate charter dealing with the forests.

reprove them and constrain them to make that denunciation in form aforesaid.

5. And for so much as divers people of our realm are in fear that the aids and mises which they have given to us beforetime towards our wars and other businesses, of their own grant and goodwill, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and so likewise the prises taken throughout the realm by our ministers in our name: we have granted for us and our heirs, that we shall never draw such aids, mises, nor prises into a custom for anything that hath been done heretofore or that may be found by roll or in any other manner.

6. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy Church, as also to earls, barons, and to all the community of the land, that for no business from henceforth will we take such manner of aids, mises, nor prises from our realm, but by the common assent of all the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

7. And for so much as the more part of the community of the realm find themselves sore grieved with the maletote on wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we, at their requests, have fully released it, and have granted that we shall never take this nor any other without their common assent and goodwill[1]; saving to us and our heirs the custom of wools, skins, and leather granted before by the commonalty aforesaid.

315. Summonses to the Model Parliament[1]

The so-called Model Parliament of Edward I in 1295 has constitutional significance as the first national Parliament which included all the estates of the realm. To it were summoned not only prelates and nobles, but also two knights from each county and two citizens from each city or borough within the county. The plan of representation adopted by Edward I was thus comprehensive enough to serve as a model for every subsequent Parliament. The three writs of summons below were ad-

[1] *Translations and Reprints*, vol. i, No. 6, pp. 33–35. Translated by E. P. Cheyney.

dressed, respectively, to the archbishop of Canterbury, to a baron (the earl of Cornwall), and to the sheriff of Northamptonshire. Similar summonses were sent to the archbishop of York, to seventeen bishops and seventy abbots, to six earls and forty-one other barons, and to the sheriffs of all the counties.

I

As a most just law, established by the careful providence of sacred princes, exhorts and decrees that what affects all, by all should be approved, so also, very evidently should common danger be met by means provided in common. You know sufficiently well, and it is now, as we believe, divulged through all regions of the world, how the king of France fraudulently and craftily deprives us of our land of Gascony, by withholding it unjustly from us. Now, however, not satisfied with the beforementioned fraud and injustice, having gathered together for the conquest of our kingdom a very great fleet, and an abounding multitude of warriors, with which he has made a hostile attack on our kingdom and the inhabitants of the same kingdom, he now proposes to destroy the English language altogether from the earth, if his power should correspond to the detestable proposition of the contemplated injustice, which God forbid. Because, therefore, darts seen beforehand do less injury, and your interest especially, as that of the rest of the citizens of the same realm, is concerned in this affair, we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin,[1] in the approaching winter, you be present in person at Westminster; citing beforehand the dean and chapter of your church, the archdeacons and all the clergy of your diocese, causing the same dean and archdeacons in their own persons, and the said chapter by one suitable proctor, and the said clergy by two, to be present along with you, having full and sufficient power from the same chapter and clergy, to consider, ordain and provide, along with us and with the rest of the prelates and principal men and other inhabitants of our kingdom, how the dangers and threatened evils of this kind are to be met.

[1] Martinmas, November 11.

II

Because we wish to have a consultation and meeting with you and with the rest of the principal men of our kingdom, as to provision for remedies against the dangers which in these days are threatening our whole kingdom, we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin's, in the approaching winter, you be present in person at Westminster, for considering, ordaining and doing along with us and with the prelates, and the rest of the principal men and other inhabitants of our kingdom, as may be necessary for meeting dangers of this kind.

III

Since we intend to have a consultation and meeting with the earls, barons and other principal men of our kingdom with regard to providing remedies against the dangers which are in these days threatening the same kingdom, and on that account have commanded them to be with us on the Lord's day next after the least of St. Martin, in the approaching winter, at Westminster, to consider, ordain, and do as may be necessary for the avoidance of these dangers, we strictly require you to cause two knights from the aforesaid county, two citizens from each city in the same county, and two burgesses from each borough, of those who are especially discreet and capable of laboring, to be elected without delay, and to cause them to come to us at the aforesaid time and place.

Moreover, the said knights are to have full and sufficient power for themselves and for the community of the aforesaid county, and the said citizens and burgesses for themselves and the communities of the aforesaid cities and boroughs separately, then and there for doing what shall then be ordained according to the common counsel in the premises, so that the aforesaid business shall not remain unfinished in any way for defect of this power. And you shall have there the names of the knights, citizens and burgesses and this writ.

316. Oath of Edward II [1]

This oath was administered by Archbishop Winchelsea at the king's coronation in 1307.

Archbishop. Sire, will you grant and observe, and by your oath confirm to the people of England the laws and customs granted to them by the ancient kings of England, your predecessors, just and devoted to God; and especially the laws and customs and franchises granted to the clergy and to the people by the glorious king, saint Edward, your predecessor?

King. I grant them and promise them.

Archbishop. Sire, will you keep toward God and holy church, and clergy and people entire peace and concord in God, according to your power?

King. I will keep them.

Archbishop. Sire, will you cause to be given in all your judgments equal and right justice and judgment, in mercy and truth, according to your power?

King. I will do it.

Archbishop. Sire, do you grant that the just laws and customs will be observed which the commonalty of your realm have chosen, and do you promise to protect and enforce them to the honor of God, according to your power?

King. I grant and promise it.

317. Instructions of St. Louis to His Son [2]

Louis IX (reigned 1226–1270), who was canonized in 1297, is a remarkable figure in medieval history, one of the ablest and one of the noblest rulers France ever had. The *enseignement* here quoted was addressed to his son Philip III, who ascended the throne in 1270.

8. Dear son, I advise you that you listen willingly and devoutly to the services of Holy Church, and, when you are in church, avoid frivolity and trifling, and do not look here and there; but pray to God with lips and heart alike, while enter-

[1] *Translations and Reprints*, vol. i, No. 6, p. 19. Translated by E. P. Cheyney.

[2] *Bibliothèque de l'École des Chartes*, vol. xxxiii, pp. 424–442. D. C. Munro and G. C. Sellery, *Medieval Civilization* (Second Edition), New York, 1907, pp. 367–374. Century Co.

taining sweet thoughts about Him, and especially at the mass, when the body and blood of our Lord Jesus Christ are consecrated, and for a little time before.

9. Dear son, have a tender and pitiful heart for the poor, and for all those whom you believe to be in misery of heart or body, and, according to your ability, comfort and aid them with some alms.

10. Maintain the good customs of your realm, and put down the bad ones. Do not oppress your people and do not burden them with tolls or *tailles*,[1] except under very great necessity.

13. Dear son, see to it that all your associates are upright, whether clerics or laymen, and have frequent good converse with them; and flee the society of the bad. And listen willingly to the word of God, both in open and in secret; and purchase freely prayers and pardons.

17. Dear son, give thanks to God often for all the good things He has done for you, so that you may be worthy to receive more, in such a manner that if it please the Lord that you come to the burden and honor of governing the kingdom, you may be worthy to receive the sacred unction wherewith the kings of France are consecrated.

18. Dear son, if you come to the throne, strive to have that which befits a king, that is to say, that in justice and rectitude you may hold yourself steadfast and loyal toward your subjects and your vassals, without turning either to the right or to the left, but always straight, whatever may happen. And if a poor man have a quarrel with a rich man, sustain the poor rather than the rich, until the truth is made clear, and when you know the truth, do justice to them.

21. You should seek earnestly how your vassals and your subjects may live in peace and rectitude beneath your sway; likewise, the good towns and the good cities of your kingdom. And preserve them in the estate and the liberty in which your predecessors kept them, and if there be anything to amend, amend and redress it, and preserve their favor and their love. For it is by the strength and the riches of your good cities and

[1] Land taxes.

your good towns that the native and the foreigner, especially your peers and your barons, are deterred from doing ill to you. I well remember that Paris and the good towns of my kingdom aided me against the barons, when I was newly crowned.

22. Honor and love all the people of Holy Church, and be careful that no violence be done to them, and that their gifts and alms, which your predecessors have bestowed upon them, be not taken away or diminished. . . .

23. Moreover, I advise you to love dearly the clergy, and, so far as you are able, do good to them in their necessities, and likewise love those by whom God is most honored and served, and by whom the Faith is preached and exalted.

27. Dear son, I advise you that you try with all your strength to avoid warring against any Christian man, unless he have done you too much ill. And if wrong be done you, try several ways to see if you can find how you can secure your rights, before you make war; and act thus in order to avoid the sins which are committed in warfare.

30. Seek diligently, most sweet son, to have good *baillis* and good *prévôts* in your land, and inquire frequently concerning their doings, and how they conduct themselves, and if they administer justice well, and do no wrong to any one, nor anything which they ought not do. . . .

31. Dear son, I advise you always to be devoted to the Church of Rome, and to the sovereign pontiff, our father, and to bear him the reverence and honor which you owe to your spiritual father.

32. Dear son, freely give power to persons of good character, who know how to use it well, and strive to have wickednesses expelled from your land, that is to say, nasty oaths, and everything said or done against God or our Lady or the saints. In a wise and proper manner put a stop, in your land, to bodily sins, dicing, taverns, and other sins. Put down heresy so far as you can, and hold in especial abhorrence Jews, and all sorts of people who are hostile to the Faith, so that your land may be well purged of them, in such manner as, by the sage counsel of good people, may appear to you advisable.

34. Dear son, take care that the expenses of your household are reasonable and moderate, and that its moneys are justly obtained. And there is one opinion that I deeply wish you to entertain, that is to say, that you keep yourself free from foolish expenses and evil exactions, and that your money should be well expended and well acquired. And this opinion, together with other opinions which are suitable and profitable, I pray that our Lord may teach you.

36. In conclusion, dear son, I give you all the blessings which a good and tender father can give to his son.

318. A King's Duties [1]

The didactic treatise entitled the *King's Mirror* was composed in Norway, probably about the middle of the thirteenth century. It had wide currency and survives in numerous manuscripts. The author — doubtless a clergyman — exhibits an enlightened attitude toward the problems of government.

Son. I believe you have now cleared up for me what you think ought to be a king's business, at night after the season for sleep is past while he is meditating upon the needs of his realm and subjects, and in the morning when he goes to church or to devotional service; and it seems to me that these occupations are both useful and important, so much so that they are indispensable. Now that you have shown me what he should be employed with in the night and early in the morning, I wish to ask you to continue and to point out what he should be occupied with during the day; whether it is your opinion that he should ponder the needs of his kingdom while awake at night in order that he may be able to spend the day with greater freedom, after the custom which I hear that kings now follow in most places, either in riding out with hawks or in joining the chase with dogs, or in some other form of diversion, as I hear that kings are in the habit of doing in most countries; or whether you think that he should be otherwise employed, if he does as he ought to do, and that kings seek these diversions more for the sake of recreation than because their rank demands it.

[1] *Konungs Skuggsja*, 55. L. M. Larson, *The King's Mirror*, New York, 1917, pp. 297–299. American-Scandinavian Foundation.

Father. I surely do believe, with respect to what you have just asked about, that kingship was established and appointed to look after the needs of the whole realm and people rather than for sport and vain amusements. Nevertheless, a king must be allowed to seek diversion now and then, either with hawks, hounds, horses or weapons, so that his health and agility at arms or in any form of warfare may be preserved. His chief business, however, is to maintain an intelligent government and to seek good solutions for all the difficult problems and demands which come before him. And you shall know of a truth that it is just as much the king's duty to observe daily the rules of the sacred law and to preserve justice in holy judgments as it is the bishop's duty to preserve the order of the sacred mass and all the canonical hours.

Son. I am inquiring so closely into these things for the reason that many believe the royal dignity to have been founded for such pleasure-giving splendor and unrestrained amusement as kings may desire. But now I see clearly from your remarks that a king ought constantly to labor in the yoke of God; wherefore it seems to me that he must have a great burden to support every day in the serious interest that he must show when the needs of his subjects are presented to him. Therefore I wish to ask you once more to show me clearly what should be a king's duty after the hours [1] have been observed.

Father. It was the custom of old at the time when the royal office was established and enjoyed its greatest splendor, that, when a king no longer stood in fear of his enemies but sat in complete security among his henchmen, he selected a splendid house where he could set up his high-seat, which was also to serve as his judgment seat; and this throne he adorned with every form of royal decoration. Then the king sat down upon it and observed in what glory and splendor he sat. Next he began to ponder in what way he must occupy this glorious high-seat, so as not to be driven from it with dishonor in spite of his exalted position, either because of injustice or malice, indiscretion or folly, inordinate ambition, arrogance, or excessive timidity.

[1] *I.e.*, the seven canonical hours.

Now it looks most reasonable to me that, whereas kingship was originally established in this way as we have just pointed out, a king should continue to maintain the arrangement which was made in the beginning. And as soon as the king comes into this seat which we have just mentioned and has reflected upon all those things which we just told about, it becomes his duty to pass judgment in the suits and on the needs of his people, if they are presented to him. But when there is no official business brought before him, he should meditate on the source of holy wisdom and study with attentive care all its ways and paths.

SECTION XVIII

THE MANORIAL SYSTEM

319. Charlemagne's Farms [1]

The capitulary *De villis*, issued by Charlemagne about the year 800, relates to the management of the great farms (villas) which he possessed in different parts of his realm. Charlemagne gave to them the closest attention. No system of public taxation existed in the eighth century; the income from such sources as gifts, tribute, booty, fines, and quit-rents did not suffice for the needs of the court, modest though these were; and the Frankish king had to look chiefly to his private estates for revenues in money and in kind. The capitulary is a lengthy document, throwing much light on rural life in western Europe during the early Middle Ages. Section 62 is here given out of order, because it contains a general instruction to the royal stewards, in contrast to the more specific character of the other sections.

62. That each steward shall make an annual statement of all our income: an account of our lands cultivated by the oxen which our ploughmen drive and of our lands which the tenants of farms ought to plough; an account of the pigs, of the rents,[2] of the obligations and fines; of the game taken in our forests without our permission; of the various compositions;[3] of the mills, of the forest, of the fields, of the bridges, and ships; of the free-men and the hundreds who are under obligations to our treasury; of markets, vineyards, and those who owe wine to us; of the hay, fire-wood, torches, planks, and other kinds of lumber; of the waste-lands; of the vegetables, millet, panic,[4] of the wool, flax, and hemp; of the fruits of the trees, of the nut trees, larger and smaller; of the grafted trees of all kinds; of the gardens; of the turnips; of the fish-ponds; of the hides, skins, and horns; of the honey, wax; of the fat, tallow and soap; of the mulberry wine, cooked wine, mead, vinegar, beer, wine, new and

[1] *Translations and Reprints*, vol. iii, No. 2, pp. 2–4. Translated by R. P. Falkner.

[2] Probably a payment for the right to keep pigs in the oak forests, where they fed on acorns.

[3] Fines.

[4] Panic grass, the seeds of which were used for food.

old; of the new grain and the old; of the hens and eggs; of the geese; the number of fishermen, smiths, sword-makers, and shoe-makers; of the bins and boxes; of the turners and saddlers; of the forges and mines, that is iron and other mines; of the lead mines; of the tributaries; of the colts and fillies; they shall make all these known to us, set forth separately and in order, at Christmas, in order that we may know what and how much of each thing we have.

22. In each of our estates our stewards are to have as many cow-houses, piggeries, sheep-folds, stables for goats, as possible, and they ought never to be without these. And let them have in addition cows furnished by our serfs for performing their service, so that the cow-houses and plows shall be in no way weakened by the service on our demesne. And when they have to provide meat, let them have steers lame, but healthy, and cows and horses which are not mangy, or other beasts which are not diseased and, as we have said, our cow-houses and plows are not to be weakened for this.

34. They must provide with the greatest care, that whatever is prepared or made with the hands, that is, lard, smoked meat, salt meat, partially salted meat, wine, vinegar, mulberry wine, cooked wine, garns,[1] mustard, cheese, butter, malt, beer, mead, honey, wax, flour, all should be prepared and made with the greatest cleanliness.

40. That each steward on each of our domains shall always have, for the sake of ornament, swans, peacocks, pheasants, ducks, pigeons, partridges, turtle-doves.

42. That in each of our estates, the chambers shall be provided with counterpanes, cushions, pillows, bed-clothes, coverings for the tables and benches; vessels of brass, lead, iron and wood; andirons, chains, pot-hooks, adzes, axes, augers, cutlasses and all other kinds of tools, so that it shall never be necessary to go elsewhere for them, or to borrow them. And the weapons, which are carried against the enemy, shall be well cared for, so as to keep them in good condition; and when they are brought back they shall be placed in the chamber.

[1] A kind of fermented liquor.

43. For our women's work they are to give at the proper time, as has been ordered, the materials, that is, the linen, wool, woad, vermilion, madder, wool-combs, teasels, soap, grease, vessels and the other objects which are necessary.

44. Of the food-products other than meat, two-thirds shall be sent each year for our own use, that is of the vegetables, fish, cheese, butter, honey, mustard, vinegar, millet, panic, dried and green herbs, radishes, and in addition of the wax, soap and other small products; and they tell us how much is left by a statement, as we have said above; and they shall not neglect this as in the past; because from those two-thirds, we wish to know how much remains.

45. That each steward shall have in this district good workmen, namely, blacksmiths, gold-smiths, silver-smiths, shoemakers, turners, carpenters, sword-makers, fishermen, foilers, soap-makers, men who know how to make beer, cider, berry, and all the other kinds of beverages, bakers to make pastry for our table, net-makers who know how to make nets for hunting, fishing and fowling, and the other[s] who are too numerous to be designated.

320. Instructions for the Domesday Survey [1]

The first census of population and taxable property to be taken in the Middle Ages was the famous Survey instituted by William I in 1086. It covered the whole area of England held by the Conqueror at this date. The results were incorporated in the two volumes of *Domesday Book*, which were originally preserved in the royal treasury and are now in the Public Record Office, London. How systematic and thorough the Survey was may be judged from the instructions issued to the royal commissioners (*legati*), who held an inquiry probably in the shire courts. The form of inquisition followed by them is exemplified in the report on the possessions of the abbey of Ely.

Here is subscribed the inquisition of lands as the barons of the king have made inquiry into them; that is to say, by the oath of the sheriff of the shire, and of all the barons and their Frenchmen, and the whole hundred, the priests, reeves, and six villains of each manor; then, what the manor is called, who held it in

[1] *Translations and Reprints*, vol. iii, No. 2, p. 6. Translated by R. P. Falkner.

the time of king Edward,[1] who holds now; how many hides,[2] how many plows in demesne, how many belonging to the men, how many villains, how many cottars, how many serfs, how many free-men, how many socmen, how much woods, how much meadow, how many pastures, how many mills, how many fish-ponds, how much has been added or taken away, how much it was worth altogether at that time, and how much now, how much each free-man or socman had or has. All this threefold, that is to say, in the time of king Edward, and when king William gave it, and as it is now; and whether more can be had than is had.

321. Werminton Manor [3]

Much information relating to English manors during the Middle Ages is found in the surveys, or extents, which were drawn up from time to time for the manorial lord by his steward or other representative. A less formal and complete description of a manor was known as a rental or custumal. The following account of the manor of Werminton (Wermington), belonging to Peterborough Abbey in Northamptonshire, is taken from the *Liber niger* ("Black Book") of that abbey. The document dates from about 1125.

In Werminton are 7 hides [4] at the taxation of the king. And of this land 20 full villeins and 29 half-villeins hold 34 virgates [5] and a half; and for these the full villeins work 3 days a week through the year; and the half tenants as much as corresponds to their tenancies. And all these men have 16 plows, and they plow 68 acres and a half, and besides this they do 3 boonworks [6] with their plows, and they ought to bring from the woods 34 wagon loads of wood. And all these men pay £4 11*s.* 4*d.* And to the love feast of St. Peter 10 rams and 400 loaves and 40 platters and 34 hens and 260 eggs. And there are 8 socmen [7]

[1] Edward the Confessor. [2] A measure of land.

[3] *Translations and Reprints*, vol. iii, No. 5, p. 4. Translated by E. P. Cheyney.

[4] The hide, a measure of land, equaled about 120 acres.

[5] The virgate was a holding made up of scattered acre or half-acre strips in the arable lands of the manor. It seems to have been usually thirty acres.

[6] Extra agricultural work required at specially busy seasons, such as plowing and harvesting.

[7] A socman (*i.e.*, one subject to the *soc*, or jurisdiction, of a lord) was a man freed from the more servile burdens of villenage.

who have 6 plows. In the demesne of the court are 4 plows of 32 oxen, and 9 cows and 5 calves, and 1 riding horse and 129 sheep and 61 swine and 1 draught-horse and 1 colt. And there is 1 mill with 1 virgate of land and 6 acres which pays 60*s.* and 500 eels. And Ascelin the clerk holds the church, with 2 virgates of land, from the altar of St. Peter of Borough. Robert, son of Richard, has 2 virgates and a half. In this vill 100 sheep can be placed.

322. Manorial Services in the Fourteenth Century [1]

The extent of the manor of Borley in Essex, made in 1308, lists the tenants of the manor and enumerates their various obligations. Walter Johan, whose services are described below, belonged to the class of villeins.

Walter Johan holds from the lord in villenage one messuage and 10 acres of land by paying thence yearly at the festival of the Purification of the Blessed Mary,[2] of Hunthield, 4*s.* 5½*d.*; and at Easter, 20½*d.*; and at the feast of St. Michael,[3] 26½*d.*; and at the feast of Christmas, 1 hen and a half, the hen being of the price of 1½*d.* And from the feast of St. Michael to the feast of St. Peter ad Vincula[4] in each week 3 works with one man without the food of the lord, the price of a work being ½*d.*, three weeks being excepted, that is to say, Christmas week, Easter week and Whitsuntide, in which they will not work unless it is absolutely required by the necessity for binding the grain in autumn and for carrying hay. And he shall plough with his plough, whether he has to join or not, 4 acres of the land of the lord without the food of the lord, the price of each acre being 5¼ *d.*, of which 2 acres are to be in the season for planting wheat and 2 for oats. And he shall carry the manure of the lord of the manor with his horse and cart at the food of the lord; that is, each day a loaf and a half of rye bread, of the size of 40 loaves to the quarter, and to weed the grain of the lord so long as there shall be any weeding to be done, and it shall be reckoned in his services.

[1] E. P. Cheyney, "The Mediæval Manor," *Annals of the American Academy of Political and Social Science*, vol. iv (1893), pp. 282–284.

[2] February 2. [3] September 29. [4] August 1.

And he ought to mow the meadow of the lord; that is to say, 1 acre and the third part of an acre, according to suitable measure. And it will be reckoned in his services, that is for each acre, 3 works.

And it is to be known that whenever he, along with the other customary tenants of the vill, shall mow the meadow of Rainholm, they shall have, according to custom, 3 bushels of wheat for bread and 1 ram of the price of 18*d*., and 1 jar of butter, and 1 cheese next to the best from the dairy of the lord, and salt and oatmeal for their porridge, and all the morning milk from all the cows of the whole dairy at that time. And he shall toss, carry and pile the said acre and a half of hay, and shall carry it to the manor, and it will be reckoned in his works. And he shall have for each work of mowing as much of the green grass, when he shall have mowed it, as he shall be able to carry on the point of his scythe. And when he has carried the said hay he shall have, at the end of the said carrying, the body of his cart full of hay. And he shall reap in autumn from the feast of St. Peter ad Vincula to the feast of St. Michael through the whole autumn, 24 works, without food from the lord, the price of one work being 1*d*. And he shall carry the grain of the lord and pile it, and it shall be accounted for in his works. And he shall have as often as he carries, one bundle called the mensheaf; and he shall haul with his horse twelve leagues around the manor as much as the weight of 2 bushels of salt or of 3 bushels of wheat, of rye, of peas, or of beans; and of oats, 4 bushels. And he ought to go for the said grain and bring it to the granary of the lord with the aforesaid horse and his own sack. And he shall have as often as he hauls as much oats as he is able to measure and carry in the palm of his hand three times. And if he shall not have carried he is not to give anything, but there will be appointed in the place of each carrying one work of the price of a half penny. And he shall give aid and must attend the court. And he shall give merchet [1] on the marriage of his daughter, at the will of the lord.

The same Walter holds one toft [2] which contains 2 acres of

[1] A fine paid to a superior for the privilege of giving a daughter in marriage.

[2] A yard or small inclosure.

land. And he shall perform in each week, from the feast of the Trinity [1] to the first of August, 2 works, the price of a work being a half penny. And for a half toft in each week during the same period, 1 work, the price as above. And from the first of August to the feast of St. Michael in each week, 1 work and a half, without the food of the lord, the price of a work being 1*d.* And he shall have a bundle called the tofsheaf, as large as he is able to bind in a band cut off and not uprooted nor extracted from the earth along with its roots.

323. Customs of the Manor of Dernale [2]

This extract is from a custumal relating to the manor of Dernale (Darnell), which belonged to the Cistercians of Vale Royal in Cheshire. The document seems to have been drawn up in 1326.

They [3] all owe suit to the mill under pain of forfeiture of their grain, if they at any time withdraw suit; and every year they owe pannage for their pigs.

Also they ought to make redemption of their daughters, if they wish to marry out of the manor, at the will of the lord. . . .

Also, when any one of them dieth, the lord shall have all the pigs of the deceased, all his goats, all his mares at grass, and his horse also, if he had one for his personal use, all his bees, all his bacon-pigs, all his cloth of wool and flax, and whatsoever can be found of gold and silver. The lord also shall have all his brass pots or pot, if he have one, because at their death the lord ought to have all things of metal. . . .

Also the lord shall have the best ox for a "hereghett" [4] and Holy Church another. After this the rest of the animals ought to be divided thus, if the deceased has children, to wit, into three parts — one for the lord, one for the wife, one for the children; and if he leaves no children, they shall be divided into two parts — one for the lord and one for the wife of the deceased equally. Also if they have corn, in grange or in field, then the wife of the

[1] Trinity Sunday, the Sunday next after Whitsunday.

[2] G. G. Coulton, *The Medieval Village*, Cambridge, 1925, pp. 489–491. University Press.

[3] *I.e.*, the bond-tenants, or villeins. [4] Heriot.

deceased ought to choose her part, to wit, half the corn in the grange or the field, as she chooses . . . always provided that, wheresoever the wife shall choose her part, whether in grange or in field, the lord shall have his moiety and part, . . . and if he has children, or a child, the division shall be made in the same way into three parts, to wit, among the lord, the wife of the deceased and his children. . . .

Also it is not lawful for a bond-tenant to make a will, or bequeath anything, without licence of the lord of the manor.

The lord shall choose the best ox by his baliffs, before the "hereghett" shall be given to the church. . . .

And as to the sheep, let them be divided like all the other goods of the deceased which ought to be divided. . . .

Also be it remembered that, if there is war in the neighbourhood and watches are kept at night at Chester, then they ought to keep armed watch at night round the court of Dernale by turns, or in order, six, eight, ten, twelve, or more at a time as may be necessary, as they shall be ordered, or to redeem their watches from the lord. . . .

Also, if the lord wishes to buy corn or oats, or anything else, and they have such things to sell, it shall not be lawful to them to sell anything elsewhere, except with the lord's licence, if the lord is willing to pay them a reasonable price. . . .

They ought also to keep the lord's pigs and mares and horses of the woods, and to be bee-keepers and parkers, and to feed the abbot's puppies.

324. Manumission of a Slave [1]

Almost all the records of manumission extant are written in the margins or other blank spaces of Gospels and missals. This memorandum is inscribed in a volume of Latin Gospels which formerly belonged to Christ Church, Canterbury.

King Æthelstan freed Eadelm immediately after he became king;[2] the witnesses of this[3] were Ælfheah the priest, the

[1] F. E. Harmer, *Select English Historical Documents of the Ninth and Tenth Centuries*, Cambridge, 1914, p. 63. University Press.

[2] *I.e.*, in 924.

[3] Manumission took place at the high altar of the church or at the church door.

community, Reeve Ælfric, Wulfnoth the White, Provost Eanstan and Byrnstan the priest. May he who seeks to invalidate this incur the wrath of God and of all the relics which I obtained in England [1] by God's mercy. And I grant the children the same boon as I grant to the father.

325. Manumission of a Serf [2]

This document belongs to the year 1334.

Be it manifest to all by these presents that we, brother Robert, Abbot of Stoneleigh, and the convent of the same place, have granted for us and our successors that Geoffrey son of the late William Austyn of Wottonhull be free of his body with all his brood and chattels hereafter for ever; so that neither we nor our successors shall be able to demand or claim anything in him or his brood or his chattels, but by these presents we are wholly excluded. In witness whereof we have put our seal to these presents.

326. The Serf's Legal Status [3]

Glanvill, one of Henry II's greatest ministers, became chief justiciar of England in 1180. About this time he wrote or superintended the writing of a work on the forms of procedure in the king's court (*curia regis*). It is the earliest treatise on the Common Law.

There are many modes by which a Man, in a state of Villenage, may acquire his freedom. Thus if his Lord, being desirous of emancipating him, releases him, as well from all his own claims, as those of the Lord's Heirs: or, if the Lord give or sell him to another, for the purpose of liberating him. It must, however, be observed, that no one in a state of Villenage can purchase his freedom with his own Money; for, in such case, he may, accord-

[1] Or "brought into England." Æthelstan is known to have secured many relics from the Continent.

[2] A. E. Bland, P. A. Brown, and R. H. Tawney, *English Economic History: Select Documents*, London, 1914, pp. 97–98. G. Bell and Sons, Ltd.

[3] Ranulf de Glanvill, *Tractatus de legibus et consuetudinibus regni Angliæ*, v, 5. John Beames, *A Translation of Glanville*, Washington, 1900, pp. 88–90. Edited by J. H. Beale.

ing to the Law and Custom of the Realm, be again recalled by his Lord to a state of Villenage, all the Chattels of a Villein-born being understood as so absolutely in the power of his Lord, as to preclude the former, at least with his own Money, and as against his Lord, from redeeming himself from Villenage. But, if a stranger with his own Money purchase the Villein's freedom, the Villein may for ever after maintain his freedom against his Lord, who has sold him. When any one has released a Villein, from all right which he, or his Heirs, could claim in him, or has sold him to a stranger, the Villein who has been thus enfranchised may for ever after defend his freedom, as well against the Lord Himself, as his Heirs; whilst he can prove the fact in Court, either by a Charter, or by any other lawful means. And the question may even be decided by the Duel, if any one deny, that the party has been liberated from his state of Villenage, and, there by a proper Witness, who, having both seen and heard the very fact of Enfranchisement, is ready to prove his freedom in Court.

It should here be remarked, that a man may enfranchise his Villein-born, so far as the consequences affect the persons of himself, or his Heirs, but not as they apply to others. Because, if a man born a Villein, but thus rendered free, should be produced in Court, to make proof against a stranger, or to wage his Law, he may be justly precluded, if it be objected against him, and proved in Court, that he was born in a state of Villenage, although his condition was such that he had been Knighted subsequently to his being enfranchised. If a Villein-born peaceably remain during a year and a day in any privileged Town,[1] so that he be received in their community or Guild as a Citizen, he shall from such circumstances be freed from Villenage.

327. Proceedings in a Manorial Court[2]

The Court Baron (*curia baronis*) of an English manor was held every three weeks in the manor house, with the steward presiding as the lord's

[1] *I.e.*, a town that had franchises by prescription or charter.

[2] *The Court Baron*, London, 1891, pp. 54–55 and 62–64. Edited by F. W. Maitland and W. P. Baildon. Publications of the Selden Society, vol. iv.

representative. All the villagers who cared to do so might attend. Its chief business was to administer the "custom of the manor" and to admit new tenants who had acquired holdings by inheritance or purchase. The court also had cognizance of various offenses, which were not always of a minor character. The selections below, describing the examination of accused persons before the steward, are taken from a French treatise current in the early years of the fourteenth century. The work is not a transcript of actual court proceedings, but a manual of precedents and formularies for the proper conduct of manorial justice by stewards, clerks, and pleaders.

I

Walter of the Moor, thou art attached to answer in this court wherefore by night and against the lord's peace thou didst enter the preserve of the lord and didst carry off at thy will divers manner of fish and didst make largess of it by gift and sale. How wilt thou acquit thyself or make amends? For know this, that were anyone to prosecute thee, thou wouldest be in peril of life and member; so be advised.

Sir, by thy leave I will imparl.

Then afterwards he speaks thus: Sir, for God's sake do not take it ill of me if I tell thee the truth, how I went the other evening along the bank of this pond and looked at the fish which were playing in the water, so beautiful and so bright, and for the great desire that I had for a tench I laid me down on the bank and just with my hands quite simply, and without any other device, I caught that tench and carried it off; and now I will tell you the cause of my covetousness and my desire; my dear wife had lain abed a right full month, as my neighbours who are here know, and she could never eat or drink anything to her liking, and for the great desire that she had to eat a tench I went to the bank of the pond to take just one tench; and that never other fish from the pond did I take, ready I am to do by way of proof whatever thou shalt award me.

Walter, saith the steward, at least thou hast confessed in this court a tench taken and carried away in other wise than it should have been, for thou mightest have come by it in fairer fashion. Therefore we tell thee that thou art in the lord's

mercy, and besides this thou must wage us a law six-handed that thou didst not take at that or any other time any other manner of fish.

As your honour pleases.

II

Bailiff.

Sir.

Let the prisoners come before us.

That will I sir. Lo! they are here.

Bailiff.

Sir!

For what cause was this man taken?

Sir, for a mare which he took in the field of C. in other manner than he ought.

What is thy name?

Sir, my name is William.

William, thou art taken and attached in this court for a mare, which is here present, which thou art said to have taken larcenously in the field of C. How wilt thou acquit thyself of this larcency and all others?

Sir, if any man will sue against me for larceny or any other thing that is against the peace of the king and his crown, I am ready to defend myself by my body that I am good and lawful.

William, now answer me by what device thou camest by this mare; for at least thou canst not deny that she was found with thee, and that thou didst avow her for thine own.

Sir, I disavow this mare, and never saw I her until now.

Then, William, thou canst right boldly put thyself upon the good folk of this vill that never thou didst steal her.[1]

Nay, sir, for these men have their hearts big against me and hate me much because of this ill report which is surmised against me.

Thinkest thou, William, that there be any who would commend his body and soul to the devils for thee or for love or for

[1] That is, resort to compurgation.

hatred of thee? Nay, verily, they are good folk and lawful, and thou canst oust from among them all those whom thou suspectest of desiring thy condemnation.[1] But do thou what is right and have God before thine eyes and confess the truth of this thing, and the other things that thou hast done, and give not thyself wholly to the enticement of the devil, but confess the truth and thou shalt find us the more merciful.

Sir, in God's name have pity of me and I will confess to thee the truth, and I will put me wholly upon thy loyalty.[2]

William, by my loyalty thou shalt have nought but justice! Say therefore what thou wilt, and conceal naught.

Sir, my great poverty, and my great neediness and the enticement of the devil made me take this mare larcenously, and often have they made me do other things that I ought not to have done.

God pardon thee. . . . William, at least thou hast confessed in this court that larcenously thou tookest this mare and hast done many other ill deeds; now name some of thy fellows, for it cannot be but that thou hadst fellowship in thy evil deeds.

Of a truth, sir, never had I companion in my evil deeds save only the fiend.

William, wilt thou say or confess aught else?

Nay, sir.

Bailiff.

Sir.

Take him away, and let him have a priest.[3]

328. The Fare of the Laborer [4]

The fourteenth-century poem, *Piers the Plowman*, has been ascribed to William Langland. We know nothing of him, except from the evidence yielded by the poem itself. Some scholars deny his existence altogether and propound a theory of composite authorship. The work is extant in upwards of fifty manuscripts, a circumstance which testifies

[1] Equivalent to the modern challenging of jurors.

[2] Or "lawfulness."

[3] *I.e.*, let him be summarily executed.

[4] *Piers the Plowman*, vi, 282–297. W. W. Skeat, *The Vision of Piers the Plowman by William Langland*, London, 1922, p. 110. Chatto and Windus.

to its great popularity in former times. It consists of several parts, the most valuable being "The Vision of William concerning Piers the Plowman." This part contains many vivid descriptions of the England of the author's, or authors', day. The following quotation is from a modernized version.

"I've no penny," quoth Piers,[1] "young pullets to buy,
Nor bacon nor geese, only two green cheeses,
Some curds and some cream, and an oaten cake,
Two bean-loaves with bran, just baked for my children.
And I say, by my soul, I have no salt bacon,
Nor eggs, by my Christendom, collops to make;
Only onions and parsley, and cabbage-like plants;
Eke a cow and a calf, and an old cart-mare
To draw afield dung, while the drought shall prevail.
By such food must we live, until Lammas-time [2] come,
I hope I may have then some harvest afield;
And I'll dight thee a dinner, as dearly will please me."
Then all the poor people their pea-shells brought,
Beans and baked apples they brought in their laps,
Young onions and chervils and ripe cherries many,
And proffered these presents, Sir Hunger to please.

329. Statute of Laborers [3]

The Black Death in England, as on the Continent, threw the whole organization of labor out of gear. A large proportion of the manual workers had died of the pestilence, and the rest could command for a time what wages they pleased. While the rural gentry and the guild masters in the cities were thus confronted with what seemed to them the excessive demands of the laborers, there was also a marked increase in the number of "sturdy beggars," who would not work at all. The Ordinance of Laborers, which Edward III issued, apparently in the summer of 1349, while the plague still raged, formed the first attempt to deal with this situation by legislation. The ordinance was transformed into a

[1] Piers is the personification of a thoroughly honest head-laborer on a farm.

[2] Lammas ("loaf-mass"), the festival of the wheat harvest, formerly celebrated on August 1, O. S.

[3] *Statutes of the Realm*, 25 Edward III, Stat. 2, caps. 1 and 5. G. B. Adams and H. M. Stephens, *Select Documents of English Constitutional History*, New York, 1901, pp. 116–117. Macmillan Company.

statute, with a closer definition of the rate of wages, at the first subsequent meeting of Parliament in 1351.

1. Whereas late against the malice of servants, which were idle, and not willing to serve after the pestilence, without taking excessive wages, it was ordained by our lord the king, and by assent of the prelates, nobles, and other of his council, that such manner of servants, as well men as women, should be bound to serve, receiving salary and wages, accustomed in places where they ought to serve in the twentieth year of the reign of the king that now is,[1] or five or six years before; and that the same servants refusing to serve in such manner, should be punished by imprisonment of their bodies, as in the said statute is more plainly contained: whereupon commissions were made to divers people in every county to inquire and punish all them which offend against the same: and now forasmuch as it is given the king to understand in this present parliament, by the petition of the commonalty, that the said servants having no regard to the said ordinance, but to their ease and singular covetise, do withdraw themselves to serve great men and others, unless they have livery and wages to the double or treble of that they were wont to take the said twentieth year, and before, to the great damage of the great men, and impoverishing of all the said commonalty, whereof the said commonalty prayeth remedy: wherefore in the said parliament, by the assent of the said prelates, earls, barons, and other great men, and of the same commonalty there assembled, to refrain the malice of the said servants, be ordained and established the things underwritten, that is to wit:[2] . . .

5. Item, that the said stewards, bailiffs, and constables of the said towns, be sworn before the same justices, to inquire diligently by all the good ways they may, of all them that come against this ordinance, and to certify the same justices of their names at all times, when they shall come into the country to make their sessions; so that the same justices on certificate of the same stewards, bailiffs, and constables, of the names of the

[1] Edward III became king in 1327.

[2] Here follow the regulations fixing the wages of rural and urban laborers.

rebels, shall cause them to be attached by their body, to be before the said justices, to answer of such contempts, so that they make fine and ransom to the king, in case they be attainted; and moreover to be commanded to prison, there to remain till they have found surety, to serve, and take, and do their work, and to sell things vendible in the manner aforesaid, and in case that any of them come against his oath, and be thereof attainted, he shall have imprisonment of forty days; and if he be another time convict, he shall have imprisonment of a quarter of a year, so that at every time that he offendeth and is convict, he shall have double pain.

330. John Ball [1]

The Peasants' Rebellion of 1381 was one of the few attempts at violent revolution which the English working people have made. One of its inspirers was a wandering priest named John Ball. Uprisings occurred in nearly every part of England, but the revolt in Kent and the adjoining counties had most importance. Under Wat Tyler, with whom were Jack Straw and John Ball, the peasants marched on London and presented their demands to the youthful king, Richard II. He promised to abolish serfdom and to give them a free pardon. As soon, however, as Richard had gathered an army, he put down the insurrection by force and hanged John Ball and about a hundred followers. The manumissions extorted by the peasants were withdrawn by a parliamentary statute in 1382. Froissart's account of these proceedings is a valuable contemporary document. Though written from the standpoint of the ruling classes, it seems to present the situation quite fairly.

It is customary in England, as well as in several other countries, of the nobility to have great privileges over the commonalty, whom they keep in bondage; that is to say, they are bound by law and custom to plough the lands of gentlemen, to harvest the grain, to carry it home to the barn, to thrash and winnow it: they are also bound to harvest the hay and carry it home. All these services they are obliged to perform for their lords, and many more in England than in other countries. The prelates and gentlemen are thus served. In the counties of Kent,

[1] Jean Froissart, *Chroniques*, ii, 73. Thomas Johnes, *Froissart's Chronicles of England, France, Spain, and the Adjoining Countries*, London, 1857, vol. i, pp. 652–654.

Essex, Sussex, and Bedford, these services are more oppressive than in all the rest of the kingdom.

The evil-disposed in these districts began to rise, saying they were too severely oppressed; that at the beginning of the world there were no slaves, and that no one ought to be treated as such, unless he had committed treason against his lord, as Lucifer had done against God; but they had done no such thing, for they were neither angels nor spirits, but men formed after the same likeness with their lords, who treated them as beasts. This they would not longer bear, but had determined to be free, and if they laboured or did any other works for their lords, they would be paid for it.

A crazy priest in the county of Kent, called John Ball, who, for his absurd preaching, had been thrice confined in the prison of the archbishop of Canterbury, was greatly instrumental in inflaming them with those ideas. He was accustomed, every Sunday after mass, as the people were coming out of the church, to preach to them in the market-place, and assemble a crowd around him; to whom he would say: "My good friends, things cannot go on well in England, nor ever will, until everything shall be in common; when there shall neither be vassal nor lord, and all distinctions levelled; when the lords shall be no more masters than ourselves. How ill have they used us! and for what reason do they thus hold us in bondage? Are we not all descended from the same parents, Adam and Eve? [1] and what can they show, or what reasons give, why they should be more the masters than ourselves? except, perhaps, in making us labour and work, for them to spend. They are clothed in velvets and rich stuffs, ornamented with ermine and other furs, while we are forced to wear poor cloth. They have wines, spices, and fine bread, when we have only rye, and the refuse of the straw; and, if we drink, it must be water. They have handsome seats and manors, when we must brave the wind and rain in our labours in the field; but it is from our labour [that] they have wherewith to support their pomp. We are called slaves; and, if we do not perform our

[1] A doggerel couplet current at this time, which John Ball may have quoted, was: "Whan Adam dalf, and Eve span, Who was then a gentilman?"

services, we are beaten and we have not any sovereign to whom we can complain, or who wishes to hear us and do us justice. Let us go to the king, who is young, and remonstrate with him on our servitude, telling him we must have it otherwise, or that we shall find a remedy for it ourselves. If we wait on him in a body, all those who come under the appellation of slaves, or are held in bondage, will follow us, in the hopes of being free. When the king shall see us, we shall obtain a favourable answer, or we must then seek ourselves to amend our condition."

With such words as these did John Ball harangue the people, at his village, every Sunday after mass, for which he was much beloved by them. Some who wished no good declared it was very true, and murmuring to each other, as they were going to the fields, on the road, from one village to another, or at their different houses, said, "John Ball preaches such and such things, and he speaks truth."

The archbishop of Canterbury,[1] on being informed of this, had John Ball arrested, and imprisoned for two or three months by way of punishment; but it would have been better if he had been confined during his life, or had been put to death, than to have been suffered thus to act. The archbishop set him at liberty, for he could not for conscience' sake have put him to death. The moment John Ball was out of prison, he returned to his former errors. Numbers in the city of London having heard of his preaching, being envious of the rich men and nobility, began to say among themselves that the kingdom was too badly governed, and the nobility had seized on all the gold and silver coin. These wicked Londoners, therefore, began to assemble and to rebel; they sent to tell those in the adjoining counties they might come boldly to London, and bring their companions with them, for they would find the town open to them, and the commonalty in the same way of thinking; that they would press the king so much there should no longer be a slave in England.

[1] Simon of Sudbury, archbishop between 1375–1381.

331. Aucassin and the Peasant [1]

The tale of *Aucassin and Nicolette* comes down to us from an unknown author, who may have lived in France during the second half of the twelfth century. It is a song-story (*cantefable*), written in alternate prose and verse, and is extant in a single thirteenth-century manuscript.

Aucassin fared through the forest from path to path after Nicolete, and his horse bare him furiously. Think ye not that the thorns him spared, nor the briars, nay, not so, but tare his raiment, that scarce a knot might be tied with the soundest part thereof, and the blood sprang from his arms, and flanks, and legs, in forty places, or thirty, so that behind the Childe men might follow on the track of his blood in the grass. But so much he went in thoughts of Nicolete, his lady sweet, that he felt no pain nor torment, and all the day hurled through the forest in this fashion nor heard no word of her. And when he saw Vespers draw nigh, he began to weep for that he found her not. All down an old road, and grassgrown he fared, when anon looking along the way before him, he saw such an one as I shall tell you. Tall was he, and great of growth, laidly and marvellous to look upon: his head huge, and black as charcoal, and more than the breadth of a hand between his two eyes, and great cheeks, and a big nose and broad, big nostrils and ugly, and thick lips redder than a collop, and great teeth yellow and ugly, and he was shod with hosen and shoon of bull's hide, bound with cords of bark over the knee, and all about him a great cloak twy-fold, and he leaned on a grievous cudgel, and Aucassin came unto him, and was afraid when he beheld him.

"Fair brother, God aid thee."

"God bless you," quoth he.

"As God he helpeth thee, what makest thou here?"

"What is that to thee?"

"Nay, naught, naught," saith Aucassin, "I ask but out of courtesy."

"But for whom weepest thou," quoth he, "and makest such

[1] *Aucassin et Nicolette*, 24. Andrew Lang, *Aucassin and Nicolete*, London, 1887, pp. 42–46.

heavy lament? Certes, were I as rich a man as thou, the whole world should not make me weep."

"Ha, know ye me?" saith Aucassin.

"Yea, I know well that ye be Aucassin, the son of the Count, and if ye tell me for why ye weep, then will I tell you what I make here."

"Certes," quoth Aucassin, "I will tell you right gladly. Hither came I this morning to hunt in this forest; and with me a white hound, the fairest in the world; him have I lost, and for him I weep."

"By the Heart our Lord bare in his breast," quoth he, "are ye weeping for a stinking hound? Foul fall him that holds thee high henceforth! for there is no such rich man in the land, but if thy father asked it of him, he would give thee ten, or fifteen, or twenty, and be the gladder for it. But *I* have cause to weep and make dole."

"Wherefore so, brother?"

"Sir, I will tell thee. I was hireling to a rich vilain, and drove his plough; four oxen had he. But three days since came on me great misadventure, whereby I lost the best of mine oxen, Roger, the best of my team. Him go I seeking, and have neither eaten nor drunken these three days, nor may I go to the town, lest they cast me into prison, seeing that I have not wherewithal to pay. Out of all the wealth of the world have I no more than ye see on my body. A poor mother bare me, and had no more but one wretched bed; this have they taken from under her, and she lies in the very straw. This ails me more than mine own case, for wealth comes and goes; if now I have lost, another tide will I gain, and will pay for mine ox whenas I may; never for that will I weep. But you weep for a stinking hound. Foul fall whoso thinks well of thee!"

"Certes thou art a good comforter, brother, blessed be thou! And of what price was thine ox?"

"Sir, they ask me twenty sols for him, whereof I cannot abate one doit."

"Nay, then," quoth Aucassin, "take these twenty sols I have in my purse, and pay for thine ox."

"Sir," saith he, "gramercy. And God give thee to find that thou seekest."

So they parted each from other, and Aucassin rode on.

332. The Jacquerie [1]

Froissart describes as follows the uprising in 1358 of the French peasants (Jacques Bonhommes) against their feudal lords.

Soon after the deliverance of the king of Navarre out of prison, a marvellous and great tribulation befell the kingdom of France, in Beauvoisis, Brie, upon the river Marne, in the Laonnois, and in the neighbourhood of Soissons. Some of the inhabitants of the country towns assembled together in Beauvoisis, without any leader; they were not at first more than one hundred men. They said that the nobles of the kingdom of France, knights, and squires, were a disgrace to it, and that it would be a very meritorious act to destroy them all: to which proposition every one assented, as a truth, and added, shame befall him that should be the means of preventing the gentlemen from being wholly destroyed. They then, without further council, collected themselves in a body, and with no other arms than the staves shod with iron, which some had, and others with knives, marched to the house of a knight who lived near, and breaking it open murdered the knight, his lady, and all the children, both great and small; they then burnt the house.

After this, their second expedition was to the strong castle of another knight, which they took: . . . they then murdered the lady, her daughter, and the other children, and last of all the knight himself, with much cruelty. They destroyed and burnt his castle. They did the like to many castles and handsome houses; and their numbers increased so much, that they were in a short time upwards of six thousand: wherever they went they received additions, for all their rank in life followed them, whilst every one else fled, carrying off with them their ladies, damsels, and children, ten or twenty leagues distant, where they

[1] Jean Froissart, *Chroniques*, i, 181–183. Thomas Johnes, *Froissart's Chronicles of England, France, Spain, and the Adjoining Countries*, London, 1857, vol. i, pp. 240–241.

thought they could place them in security, leaving their houses, with all their riches in them.

These wicked people, without leader and without arms, plundered and burnt all the houses they came to, murdered every gentleman, and violated every lady and damsel they could find. He who committed the most atrocious actions, and such as no human creature would have imagined, was the most applauded, and considered as the greatest man among them. . . .

They had chosen a king among them, who came from Clermont in Beauvoisis: he was elected as the worst of the bad, and they denominated him James Goodman.[1] These wretches burnt and destroyed in the country of Beauvoisis, and at Corbie, Amiens, and Montdidier, upwards of sixty good houses and strong castles. By the acts of such traitors in the country of Brie and thereabout, it behoved every lady, knight, and squire, having the means of escape, to fly to Meaux, if they wished to preserve themselves from being insulted, and afterwards murdered. The duchess of Normandy, the duchess of Orleans, and many other ladies, had adopted this course to save themselves from violation. These cursed people thus supported themselves in the countries between Paris, Noyon, and Soissons, and in all the territory of Coucy in the county of Valois. In the bishoprics of Noyon, Laon, and Soissons, there were upwards of one hundred castles and good houses of knights and squires destroyed.

When the gentlemen of Beauvoisis, Corbie, Vermandois, and of the lands where these wretches were associated, saw to what lengths their madness had extended, they sent for succour to their friends in Flanders, Hainault, and Bohemia: from which places numbers soon came, and united themselves with the gentlemen of the country. They began therefore to kill and destroy these wretches wherever they met them, and hung them up by troops on the nearest trees. The king of Navarre even destroyed in one day, near Clermont in Beauvoisis, upwards of three thousand: but they were by this time so much increased in number, that had they been altogether, they would have

[1] *Jacques Bonhomme.*

amounted to more than one hundred thousand. When they were asked for what reason they acted so wickedly, they replied they knew not, but they did so because they saw others do it; and they thought that by this means they should destroy all the nobles and gentlemen in the world.

333. Italian Peasants [1]

Church estimates of the peasant class were scarcely sympathetic. The aristocratic contempt for manual labor, which the Middle Ages inherited from classical times, found frequent expression, not only in writings by lay authors, but also in those by ecclesiastics. The peasants are seldom noticed by them, and then usually in the language of depreciation. There is a pretty general agreement that "rustic folk are best when they weep, worst when they rejoice" (*rustica gens optima flens, pessima gaudens*). Typical of this attitude is the following extract from the *Summa major* of St. Antoninus (d. 1459), archbishop of Florence, and renowned for theological learning.

This [2] is indeed an art and a work necessary to human life; wherefore it was said unto Adam and Eve: "In the sweat of thy brow shalt thou eat bread"; and Noah was a husbandman, in that he planted the vine after the Deluge. Husbandmen, when they work their own lands, cannot commit fraud in their work, except in selling their produce either at too high a price or too small a measure, or in selling bad for good. But, in these days, such is the cunning and subtlety of man that they themselves are rather deceived by the buyers, who buy their produce when they are driven by necessity to sell, and who thus forestall the time of harvest, buying at a cheaper price; which partakes of the guilt of usury in the buyer. . . . They offend also when they withhold tithes from their churches. . . . And, when the church is vacant, the parishioners sometimes take the goods of the church or of the parson and spend and waste them in eating and drinking. Moreover they compel the priests themselves to maintain certain abuses, as that on Easter- or Christmas-Day or other holy-days, the priest must give them a notable quantity of

[1] G. G. Coulton, *The Medieval Village*, Cambridge, 1925, pp. 245–247. University Press.

[2] *I.e.*, husbandry.

bread, and also of wine, whereof they drink even unto intoxication. In the churches themselves they sometimes dance and lead carols with women. Some, again, go to fish, which is an act not unlawful in itself, but they offend in doing this on feast-days; to wit, they catch fish and sell them, thus breaking the commandment to do no servile work on holy-days. . . . On holy-days they spend little time on divine service or hearing of the whole Mass, but in games, or in taverns and in contentions at the church-doors. Even on holy-days, they bring their beasts laden with corn or other things to their patrons, which is a violation of the holy-day, unless they be driven to this by the greatest necessity, not being able to live otherwise. They blaspheme God and His saints on slender provocation. When angered, they curse their brute beasts. They are full of lies and perjuries. . . . Very many of them do not confess once a year, and far fewer are those who take the Communion, under the false belief that they need not communicate except when they grow old or are sick unto death. They do little to instruct their families in the manners of faithful folk. They frequently leave undone the penances enjoined on them by their confessors, and the vows they themselves have made. They use enchantments for themselves and for their beasts. Of God or of their own souls' health they think not at all. And, being commonly ignorant and caring little for their own souls or for keeping God's commandments, which they know not, this it is which helps to lead them along the broad way leading to destruction, to wit, their ignorance of their own vices and the carelessness and evil conscience of their parish priests, who, caring not for the flock committed unto them, but only for their wool and their milk, instruct them not through preaching and the confessional or by private admonitions, but walk in the same errors as their flocks, following their corrupt ways and not correcting them for their faults; whereby it cometh to pass that, living like beasts, they sometimes die the death of a beast.

SECTION XIX

THE CIVIC ECONOMY

334. Customs of Chester [1]

The local customs which grew up in an English town during the early Middle Ages corresponded to the "custom of the manor" in rural communities. They were naturally more developed than manorial usages, because of the larger population of the town and the more numerous employments of its inhabitants. They seldom formed a matter of written record, since every one was supposed to know them. The customs of about forty towns have been preserved, however, due to the circumstance that William the Conqueror, for financial reasons, included them in the Domesday Survey. The Chester customs are given in greatest detail.

If the King's peace had been given under his own hand or by his writ, or by his legate, and was broken by any one, the King had thence 100*s*. But if the same peace given by the Earl, by the King's order, was broken, out of the 100*s*. which were given for that offence, the Earl had the third penny. But if the same peace were given by the King's præpositus [2] or by the minister of the Earl, and were broken, amends were made in 40*s*., and the Earl had the third penny.

If any free man, breaking the King's peace that had been given, slew a man in his own house, his land and all his property was the King's, and he became outlawed. The same had the Earl of his own men making this forfeiture. None could return peace to any outlaw except through the King:

He who shed blood from Monday morning till nones on Saturday, made amends in 10*s*.; bloodshed from nones on Saturday till Monday morning made amends in 20*s*. Similarly he paid 20*s*. who did this in the 12 days of the Nativity, and on the day of the Purification of St. Mary, on the first day of

[1] Adolphus Ballard, *The Domesday Boroughs*, Oxford, 1904, pp. 82–83. Clarendon Press.

[2] Reeve.

Easter, the first day of Pentescost, Ascension day, on the day of the Assumption or Nativity of St. Mary, and the day of the Feast of All Saints.

He who killed a man on these holy days amended in £4; but on other days 40*s*. Similarly he who committed Heinfare or Forestel [1] on those feast days or on Saturday paid £4; on other days, 40*s*.

He who committed Hangewitham [2] in the city paid 10*s*.; the præpositus of the King or Earl doing this amended in 20*s*.

He who committed Revelach [3] or Robbery or Rape on a woman in a house, for each of these, made amends in 40*s*. . . .

Who in the city seized another's land and could not prove his claim, amended in 40*s*.; and likewise he who made suit that it ought to be his and did not prove his claim.

Who wished to relieve his own land or that of his kinsman, paid 10*s*.; but if he could not or would not, the King's præpositus took his land into the hands of the King.

Who did not pay his gablum [4] at the term it was due, gave 10*s*.

If fire burnt the city, he, from whose house it arose, amended in 3 ores,[5] and gave 2*s*. to his nearest neighbour.

Of all these forfeitures, two parts were the King's and one part the Earl's.

335. Keeping the Peace in London [6]

These ordinances were framed in 1363.

For the keeping of our Lord the King's peace in the City of London and its suburbs, it is ordained by the King and his Council, with the assent of the mayor, aldermen, and community of the City, as follows: —

That none shall be so bold to go wandering in the City or its suburbs after the hour of curfew, rung at the Church of Our Lady

[1] Forcible entry or assault.
[2] Letting a thief out of custody.
[3] Rapine.
[4] Relief.
[5] A number of pennies.
[6] Dorothy Hughes, *Illustrations of Chaucer's England*, London, 1918, pp. 171–173. Longmans, Green, and Company, Ltd.

at Bow, unless it be one known to be of good report, or his servant, for good cause, and then with a light; and which curfew shall be sounded at dusk.

And if any be found wandering contrary to this ordinance, he shall at once be arrested and sent to Newgate prison, to stay there until he has paid a fine to the City for his contempt, and given surety for his good behavior.

Also, that none . . . come armed into the City or its suburbs, nor bear arms by day or night, except the servants of the great lords of the land, bearing their masters' swords in their presence; the sergeants-at-arms of our lord the King, Madame the Queen, the Prince, and the King's other children; and the officers of the city, with those who shall accompany them, to help them in keeping the peace. . . . Upon the same penalty, and with forfeit of their arms and armour.

Also, that every hosteler and innkeeper shall warn his guests to leave their arms at their inns, when they are lodged there; if they do not do so, for lack of warning by the host, and they shall be found bearing arms, contrary to this ordinance, the host shall be punished by fine or imprisonment. . . .

Also, . . . if any person draw a sword or knife, even though he do not strike, he shall pay half a mark to the City, or stay in prison for 40 days; if he strike another with his fist, though he have not drawn blood, he shall pay *2s.* or eight days' imprisonment; if he draw blood with his fist, he shall pay *40d.* or have twelve days' imprisonment. And before they are set free, such persons shall give surety for their good behaviour. . . .

Also, that no trader or other, having a dwelling in the City, shall keep in his employment or service, or in any other manner, men other than those for whose good behaviour he is willing to answer to the King and the people. . . .

Also, that each alderman shall cause good watches to be made in his ward, for the better keeping of the peace, so that, if ill come from default of the watches, the alderman shall answer for it at his peril. . . . And he shall keep the names of all persons living or staying with the dwellers in his ward, as well those who are put into private places for work, as others.

336. Charter of Henry II to Lincoln [1]

This royal charter was granted about 1157.

Know that I have conceded to my citizens of Lincoln all their liberties and customs and laws, which they had in the time of Edward [the Confessor] and William [I] and Henry [I], kings of England; and their gild merchant of the men of the city and of other merchants of the county, just as they had it in the time of our aforesaid predecessors, kings of England, best and most freely. And all men who dwell within the four divisions of the city and attend the market are to be at the gilds and customs and assizes of the city as they have been best in the time of Edward, William and Henry, kings of England. I grant to them moreover, that if anyone shall buy any land within the city, of the burgage [2] of Lincoln, and shall have held it for a year and a day without any claim, and he who has bought it is able to show that the claimant has been in the land of England within the year and has not claimed it, for the future as before he shall hold it well and in peace, and without any prosecution. I confirm also to them, that if anyone shall have remained in the city of Lincoln for a year and a day without claim on the part of any claimant, and has given the customs, and is able to show by the laws and customs of the city that the claimant has been in existence in the land of England and has not made a claim against him, for the future as in the past he shall remain in peace, in my city of Lincoln, as my citizen.

337. A Non-Industrial Guild at Exeter [3]

Non-industrial guilds were known in English towns and villages from Anglo-Saxon times. They had religious and social functions in common with both merchant guilds and craft guilds, but differed from these in having no connection with any kind of business or occupation. All their members were on an equal basis, there being in them no distinctions corresponding to apprentice, journeyman, and master in the craft organi-

[1] *Translations and Reprints*, vol. ii, No. 1, pp. 7–8. Translated by E. P. Cheyney.

[2] The tenure by which lands or houses were held in a borough.

[3] J. M. Kemble, *The Saxons in England*, London, 1876, vol. i, pp. 512–513. Edited by W. de Gray Birch.

zations. Such institutions enjoyed a long life, and many were found among the "corporations, guilds, fraternities, companies, and fellowships" suppressed by statute in 1547, during the reign of Edward VI. The following are the rules of a non-industrial guild at Exeter, before the eleventh century.

This assembly was collected in Exeter, for the love of God, and for our soul's need, both in regard to our health of life here, and to the after days, which we desire for ourselves by God's doom. Now we have agreed that our meeting shall be thrice in the twelve months; once at St. Michael's Mass, secondly at St. Mary's Mass, after midwinter, and thirdly at Allhallow's Mass after Easter; and let each gild-brother have two sesters of malt, and each young man one sester, and a sceat of honey; and let the mass-priest at each of our meetings sing two masses, one for our living friends, the other for the dead; and let each brother of common condition sing two psalters of psalms, one for the living and one for the dead; and at the death of a brother, each man six masses; or six psalters of psalms; and at a death, each man five pence; and at a house-burning each man one penny. And if any one neglect the day, for the first time three masses, for the second five, and at the third time let him have no favor, unless his neglect arose from sickness or his lord's need. And if any one neglect his subscription at the proper day, let him pay double. And if any one of this brotherhood misgreet another, let him make boot[1] with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it. God help us thereunto.

338. The Merchant Guild of Lynn Regis[2]

The early charters of English towns almost invariably include a provision granting to the burgesses the right to possess a merchant guild. Most of the towns maintained such an organization for the control of trade, in close connection with the municipal government. Its principal characteristics may be judged from the following ordinances of the merchant guild of Lynn Regis, Norfolk. This guild had a large

[1] Compensation.

[2] Charles Gross, *The Gild Merchant*, Oxford, 1890, vol. ii, pp. 160–162. Clarendon Press.

membership, a considerable income, and a guild hall, which still stands; and it contributed heavily to the charities, schools, and public improvements of the city.

1. If any stranger is willing to enter into the fraternity, he ought to pledge into the hands of the alderman 100*s*. . . .

2. If any brother has a son, or sons, legitimate, who are willing to enter into the said fraternity, each one ought to pay for his entrance 4*s*. . . .

3. Whoever will enter into the said fraternity, ought on the first day of his admission to wait and serve before the alderman and the brethren honourably, in neat clothes and a coronet of gold or silver.

4. The alderman to have, on the day of Pentecost, one sextary of wine, and the dean half a sextary, the clerk half, and each of the skevins [1] the same day half a sextary; and every day after, as long as the drinking shall continue, the alderman shall have half a sextary, the dean, clerk and each of the skevins one gallon, and each of the attendants half a gallon, at evening.

5. If any of the brethren shall disclose to any stranger the counsels of the said guild, to their detriment, without the assent of the alderman and his brethren, he shall forfeit the sum of 32*d*.

6. If any of the brethren shall fall into poverty or misery, all the brethren are to assist him by common consent out of the chattels of the house, or fraternity, or of their proper own.

7. If any brother should be impleaded, either within Lenne or without, the brethren there present ought to assist him in their council, if they are called, to stand with him and counsel him without any costs; and if they do not, they are to forfeit 32*d*.

8. None of the brethren is to come into the guild before the alderman and his brethren with his cap or hood on, or barefoot, or in any rustic manner; if he does, he is to be amerced 4*d*.

9. If any one should sleep at the guild, either at the general meeting or at their feasts and drinking, he is to forfeit 4*d*.

10. If any one turns him rudely to his brother, or calls him by any rude name, he is to be amerced 4*d*.

[1] Skevins were municipal functionaries with duties resembling those of aldermen.

11. If any is called and cited at a prime [1] and does not come before the issue of the first consult, he is to pay 1*d.* by order of the dean; and if he refuses and sits down, he is to be amerced 4*d.*

13. If any one of this house shall buy anything, and a brother shall come in unexpectedly before the agreement, or at it, he ought to be a partner with him that buys, and if the buyer refuses it, he is to be amerced half a mark.

15. If any one refuse to obey the precept of the alderman, or dean, for the honour and profit of the house, he is to be amerced 12*s.*

16. If any poor brother shall die, the alderman and brethren shall see that his body be honourably buried, of the goods or chattels of the house, or out of alms, if he has not wherewith to bury himself.

17. If the alderman shall die, none belonging to him, neither son nor any other, can act in anything as alderman, but the brethren may choose a new alderman, whom they please.

18. If any brother shall die, the dean is to summon all the brethren to make their offerings for the soul of the deceased; and if any one is absent he is to give ½*d.* at the next prime following, for the soul of the defunct, and the dean is to have 4*d.* of the alms collected for citing the brethren.

19. If any brother, or alderman, shall act contrary to the ordinances of this house, he is either to forfeit his brotherhood, or pay half a mark for the good of the house.

339. The London Spurriers [2]

The early craft guilds of England seldom possessed charters. Such rules as seemed to be necessary for the conduct of the guild were drawn up by its leading members and, after approval by the town authorities, became the by-laws of the organization. The craft guild thus stood in entire subordination to the municipal government, as was the case with the spur-makers of London, whose Articles, dating from 1345, are reproduced below. Where, however, the craft guild had obtained a charter directly from the Crown, it enjoyed a larger measure of independent jurisdiction.

[1] Principal or regular meeting.

[2] H. T. Riley, *Memorials of London and London Life*, London, 1868, pp. 226–228.

In the first place, — that no one of the trade of Spurriers shall work longer than from the beginning of the day until curfew rung out at the Church of St. Sepulchre, without Newgate; by reason that no man can work so neatly by night as by day. And many persons of the said trade, who compass how to practise deception in their work, desire to work by night rather than by day: and then they introduce false iron, and iron that has been cracked, for tin, and also, they put gilt on false copper, and cracked. And further, — many of the said trade are wandering about all day, without working at all at their trade; and then, when they have become drunk and frantic, they take to their work, to the annoyance of the sick and of all their neighbourhood, as well as by reason of the broils that arise between them and the strange folks[1] who are dwelling among them. And then they blow up their fires so vigorously, that their forges begin all at once to blaze; to the great peril of themselves and of all the neighbourhood around. And then too, all the neighbours are much in dread of the sparks, which so vigorously issue forth in all directions from the mouths of the chimneys in their forges. By reason whereof, it seems unto them that working by night should be put an end to, in order such false work and such perils to avoid; and therefore, the Mayor and Aldermen do will, by assent of the good folks of the said trade, and for the common profit, that from henceforth such time for working, and such false work made in the trade, shall be forbidden. And if any person shall be found in the said trade to do to the contrary hereof, let him be amerced, the first time in 40*d.*, one half thereof to go to the use of the Chamber of the Guildhall of London, and the other half to the use of the said trade; the second time, in half a mark, and the third time, in 10*s.*, to the use of the same Chamber and trade; and the fourth time, let him forswear the trade for ever.

Also, — that no one of the said trade shall hang his spurs out on Sunday, or on other days that are Double Feasts;[2] but only a sign indicating his business: and such spurs as they shall so

[1] *I.e.*, those not of their trade.

[2] *I.e.*, two feasts, or festivals, falling on the same day.

sell, they are to show and sell within their shops, without exposing them without, or opening the doors or windows of their shops, on the pain aforesaid.

Also, — that no one of the said trade shall keep a house or shop to carry on his business, unless he is free of the City; [1] and that no one shall cause to be sold, or exposed for sale, any manner of old spurs for new ones; or shall garnish them, or change them for new ones.

Also, — that no one of the said trade shall take an apprentice for a less term than seven years; and such apprentice shall be enrolled, according to the usages of the said City.

Also, — that if any one of the said trade, who is not a freeman, shall take an apprentice for a term of years, he shall be amerced, as aforesaid.

Also, — that no one of the said trade shall receive the apprentice, serving-man, or journeyman, of another in the same trade, during the term agreed upon between his master and him; on the pain aforesaid.

Also, — that no alien of another country, or foreigner of this country, shall follow or use the said trade, unless he is enfranchised before the Mayor, Aldermen, and Chamberlain; and that, by witness and surety of the good folks of the said trade, who will undertake for him as to his loyalty and his good behaviour.

Also, — that no one of the said trade shall work on Saturdays, after None [2] has been rung out in the City; and not from that hour until the Monday morning following.

340. The London Hatters [3]

These Articles were drawn up in 1347.

In the first place, — that six men of the most lawful and most befitting of the said trade shall be assigned and sworn to rule and watch the trade, in such manner as other trades of the said City are ruled and watched by their Wardens.

[1] That is, a freeman of the City of London.

[2] A church service in the middle of the afternoon.

[3] H. T. Riley, *Memorials of London and London Life*, London, 1868, pp. 239–240.

Also, — that no one shall make or sell any manner of hats within the franchise of the City aforesaid, if he be not free of the same City; on pain of forfeiting to the Chamber the hats which he shall have made and offered for sale.

Also, — that no one shall be made apprentice in the said trade for a less term than seven years, and that, without fraud or collusion. And he who shall receive any apprentice in any other manner, shall lose his freedom, until he shall have bought it back again.

Also, — that no one of the said trade shall take any apprentice, if he be not himself a freeman of the said City.

Also, — that the Wardens of the said trade shall make their searches for all manner of hats that are for sale within the said franchise, so often as need shall be. And that the aforesaid Wardens shall have power to take all manner of hats that they shall find defective and not befitting, and to bring them before the Mayor and Aldermen of London, that so the defaults which shall be found may be punished by their award.

Also, — whereas some workmen in the said trade have made hats that are not befitting, in deceit of the common people, from which great scandal, shame, and loss have often arisen to the good folks of the said trade, they pray that no workman in the said trade shall do any work by night touching the same, but only in the clear daylight; that so, the aforesaid Wardens may openly inspect their work. And he who shall do otherwise, and shall be convicted thereof before the Mayor and Aldermen, shall pay to the Chamber of the Guildhall, the first time 40*d*., the second time half a mark, and the third time he shall lose his freedom.

Also, — that no one of the said trade shall be admitted to be free of the City, or to work in the said trade, or to sell any manner of hats within the said franchise, if he be not attested by the aforesaid Wardens as being a good and lawful person, and as a proper workman.

Also, — that no one of the said trade shall receive the apprentice or serving-man of another, until he has fully completed his term, or his master has given him a proper dismissal; on

pain of paying, for every time, to the said Chamber half a mark; down to the fourth time, when he shall lose his freedom, until he shall have bought it back again.

Also, — that no one of the said trade shall receive the serving-man of another to work, so long as he is in debt to his master; but he is to remain in the service of his master, until he shall have made satisfaction for the debt which he owes him. And he who shall receive such serving-man otherwise, shall pay to the said Chamber for every time 40*d.*; but only down to the fourth time, when he shall lose his freedom, until he shall have bought it back again.

Also, — whereas foreign folks of divers Countries do bring to the said City divers manners of hats to sell, and carry them about the streets, as well before the houses of freemen of the said trade, as elsewhere; and thereby bar them of their dealings and of their sale, so that the freemen of the said trade in the City are greatly impoverished thereby; it is agreed that no strange person bringing hats to the said City for sale, shall sell them by retail, but only in gross, and that, to the freemen of the City; on pain of losing the same.

341. A Petition of the Fullers of Bristol [1]

The careful supervision exercised by guild masters over their workmen is well shown by this petition of the Bristol fullers to the town authorities in 1406.

May it please your very wise discretions and honourable wisdom, to grant to the said suppliants that all their good ordinances of old time entered of record, and not repealed, be firmly held and kept and duly put in execution; and that four good men of the said craft be chosen by them every year, and sworn before the Mayor loyally to present all manner of defects which hereafter shall be found touching the said craft, with power, twice a week, to oversee such defects, and likewise to keep watch over the servants and workmen of the same craft, within the franchise of Bristol, so that the said servants and workmen

[1] Toulmin Smith, *English Gilds*, London, 1870, pp. 284–285. Edited by Lucy T. Smith. Early English Text Society, vol. xl.

should not take more wages than of old time is accustomed and ordained.

And besides, discreet sirs, may it please you to grant to the said suppliants the new additions and points below-written, to the profit and amendment of the said craft, and to the honour of the said town.

First, it is ordained and agreed that, each year, four men of the craft shall be chosen as Masters, to search every house of the said craft, twice a week, and oversee all defects in the said cloths, if any such there be; and to present them before you at the court; so that whosoever does such bad work shall pay for the same the full price of the cloth: one half to go to the town; and the other half to the craft, without any pardon or release: and this, over and above all reasonable amends made to the buyer of the cloths.

Also, the Masters of the craft shall not give more to the men of the said craft than fourpence a day. . . . And if any of the masters pays more to the workmen than is above ordained, he shall be fined, each time, *2s.*; that is to say *12d.* to the commonalty, and *12d.* to the craft. And if the men take more from the masters, they shall pay, each time, *12d.*; that is to say, *6d.* to the commonalty, and *6d.* to the craft. And if the men are rebels or contrarious, and will not work, then the four Masters shall have power to take them before the Mayor and Court of Gildhall of the town, to be there dealt with according to law and reason. And moreover, the said servants shall work and rest in their craft, as well by night as by day, all the year, as has of old time been accustomed.

342. Pageants of the Corpus Christi Play at York [1]

Miracle plays came into vogue during the twelfth and thirteenth centuries. They presented in dramatic form episodes from the Bible and stories of the saints and martyrs. The actors at first were priests, and the stage was often in the church itself or in the churchyard. These performances were eventually taken over by the guilds, which combined to give an annual exhibition. In the play as performed at York on

[1] *Translations and Reprints*, vol. ii, No. 1, pp. 29–30. Translated by E. P. Cheyney.

Corpus Christi Day, 1415, each fraternity had charge of one scene and presented it on a wheeled platform at each appointed station in the city. Fifty-one fraternities took part in the exhibition. The order of the first sixteen pageants was as follows:

Tanners. — God the Father Omnipotent creating and forming the heavens, the angels and archangels, Lucifer and the angels who fell with him into the pit.

Plasterers. — God the Father in his substance creating the earth and all things which are therein, in the space of five days.

Cardmakers. — God the Father forming Adam from the mud of the earth, and making Eve from Adam's rib, and inspiring them with the breath of life.

Fullers. — God forbidding Adam and Eve to eat of the tree of life.

Coopers. — Adam and Eve and the tree between them, the serpent deceiving them with apples; God speaking to them and cursing the serpent, and an angel with a sword driving them out of Paradise.

Armorers. — Adam and Eve, an angel with a spade and distaff appointing them their labor.

Glovers. — Abel and Cain sacrificing victims.

Shipwrights. — God warning Noah to make an ark out of planed wood.

Fishmongers and Mariners. — Noah in the ark with his wife, three sons of Noah with their wives, with various animals.

Parchment-makers and Book-binders. — Abraham sacrificing his son Isaac on the altar.

Hosiers. — Moses lifting up the serpent in the wilderness, King Pharaoh, eight Jews looking on and wondering.

Spicers. — A doctor declaring the sayings of the prophets concerning the future birth of Christ. Mary, the angel saluting her; Mary saluting Elizabeth.

Pewterers and Founders. — Mary, Joseph wishing to send her away, the angel telling them to go over to Bethlehem.

Tilers. — Mary, Joseph, a nurse, the child born and lying in a manger between an ox and an ass, and an angel speaking to the shepherds, and to the players in the next pageant.

Chandlers. — Shepherds speaking to one another, the star in the East, an angel announcing to the shepherds their great joy in the child which has been born.

Goldsmiths, Goldbeaters and Moneyers. — Three kings coming from the East, Herod questioning them about the child Jesus, and the son of Herod and two counsellors and a herald. Mary with the child, and the star above, and three kings offering gifts.

343. Regulation of Wages [1]

These ordinances were promulgated in 1350 by the Lord Mayor and aldermen of London, after, and in consequence of, the Black Death.

In the first place, — that the masons, between the Feasts of Easter and St. Michael,[2] shall take no more by the working-day than 6*d.*, without victuals or drink; and from the Feast of St. Michael to Easter, for the working-day, 5*d.* And upon Feast-days, when they do not work, they shall take nothing. And for the making or mending of their implements they shall take nothing.

Also, — that the carpenters shall take, for the same time, in the same manner.

Also — that the plasterers shall take the same as the masons and carpenters take.

Also, — that the tilers shall take for the working-day, from the Feast of Easter to St. Michael $5\frac{1}{2}d.$, and from the Feast of St. Michael to Easter $4\frac{1}{2}d.$ . . .

Also, — that the labourers[3] shall take in the first half year $3\frac{1}{2}d.$, and in the other half 3*d.*

Also, — that the master daubers shall take between the Feasts of Easter and St. Michael 5*d.*, and in the other half year 4*d.*; and their labourers are to take the same as the labourers of the tilers.

Also, — that the sawiers shall take in the same manner as the masons and carpenters take.

[1] H. T. Riley, *Memorials of London and London Life*, London, 1868, pp. 253–254.

[2] September 29.

[3] *I.e.*, the assistants of the tilers.

Also, — that no one shall pay more to the workmen aforesaid, on pain of paying 40*s.* to the Commonalty, without any release therefrom; and he who shall take more than the above, shall go to prison for forty days.

344. Fixation of Food Prices [1]

This royal ordinance, *De pretio victualium*, which Edward II issued in 1315, did not accomplish its purpose of fixing market rates throughout the country. It is of considerable interest, however, to the economic historian, as a record of what were considered to be reasonable prices for cattle, poultry, and eggs sold in London.

We have received a complaint of the archbishops, bishops, earls, barons, and others of the commonalty of our kingdom, presented before us and our council, that there is now a great and intolerable dearth of oxen, cows, sheep, hogs, geese, hens, capons, chickens, pigeons, and eggs, to the no small damage and grievance of them and all others living within the said kingdom. Wherefore they have pressingly besought us, that we should take care to provide a fit remedy thereof. We therefore, for the common benefit of the people of the said kingdom, assenting to the foresaid supplication, as seemed meet, have ordained, by the advice and assent of the prelates, earls, barons, and others, being of our council, in our last parliament held at Westminster, that a good saleable fat live ox, not fed with grain, be henceforth sold for 16*s.* and no more; and if he have been fed with corn, and be fat, then he may be sold for 24*s.* at the most; and a good fat live cow for 12*s.* A fat hog of two years of age for 40*d.* A fat sheep with the wool for 20*d.* A fat sheep shorn for 14*d.* A fat goose in our city aforesaid for 3*d.* A good and fat capon for $2\frac{1}{2}d.$, a fat hen for $1\frac{1}{2}d.$, and two chickens for $1\frac{1}{2}d.$, and three pigeons for 1*d.*, and 20 eggs for 1*d.* And that if it happen that any person or persons be found that will not sell the said saleable goods at the settled price aforesaid, then let the foresaid saleable goods be forfeited to us.

And forasmuch as we will that the foresaid ordinance be

[1] (Lord) Somers, *A Collection of Scarce and Valuable Tracts* (Second Edition), London, 1809–1815, vol. i, p. 6. Edited by Sir Walter Scott.

henceforth firmly and inviolably kept in our said city and the suburbs thereof, we strictly order and command you, that you cause the foresaid ordinance to be proclaimed publicly and distinctly in our foresaid city and the suburbs thereof, where you shall think meet, and to be henceforth inviolably kept, in all and singular its articles, throughout your whole liberty, under the foresaid forfeiture; and by no means fail herein, as you are minded to avoid our indignation, and to save yourselves harmless.

345. Grant of a Fair [1]

This is a clause from a charter to Wells granted by Bishop Savaric in 1201. It is practically a repetition of a clause in an earlier episcopal charter, but the fair on St. Thomas's Day was added by Savaric.

We also determine and for ever grant that whoever shall come there at the four feasts, for the sake of trading, to wit, at the feast of the Finding of the Holy Cross, at the feast of St. Kalixtus, at the feast of St. Andrew, and on the anniversary of the dedication of the Chapel of the Blessed Thomas the Martyr,[2] that is the morrow of St. John the Baptist, shall do their business in the streets of the borough, and shall be free from all evil custom and disturbance and hindrance and exaction, and shall by no means presume to enter or desecrate the church of Wells or the church-porch to sell their merchandise.

Granting and decreeing for ever that all coming together there shall be quit of toll for ever in all the aforesaid feasts and their eves and morrows, so that for three days they may enjoy that liberty in the above-named feasts.

346. Tricks of Trade [3]

The " moral Gower " (d. 1408), Chaucer's friend, seems to have been a London merchant and a country squire. His French poem *Mirour de l'omme*, better known by its Latin title *Speculum meditantis*, contains

[1] Adolphus Ballard, *British Borough Charters, 1042–1216*, Cambridge, 1913, p. 173. University Press.

[2] St. Thomas Becket, canonized in 1182.

[3] John Gower, *Mirour de l'omme*, 26, 077–26, 136. A. R. Benham, *English Literature from Widsith to the Death of Chaucer*, New Haven, 1916, pp. 253–254. Yale University Press.

about thirty thousand lines in twelve-line couplets. Though tedious as poetry, it has considerable importance as a description of everyday life in the fourteenth century. The work was long supposed to have perished, but a copy of it was discovered in 1895.

If you are ever going to know Trick, you will know him by his piment, his clarée and his new ypocras. With these he fattens his purse, when city dames, who before visiting the minster or the market come tripping in the morning to the tavern. But then Trick is well paid, for each one will try wine provided it is anything but vinegar.

And then will Trick make them understand that, if they will just wait, they may have vernage, Greek wine and Malvesie. To cozen them into spending more money, he will name them wines of several sorts — of Crete, Ribole, and Roumania, he will describe wines of Provence and Monterosso, he will say that he has in his cellar Riviera and Muscatel for sale, — but he hasn't a third of all these; rather he says so as a novelty that he may induce them to drink.

From one cask, forsooth, he will draw them ten different wines, when once he has them seated in their chairs; and so he says to them, "O my dear ladies, make good cheer, drink just as you please, for we have sufficient leisure." Then Trick has his heart's desire, when he has such chamberers who know how to deceive their husbands; for it is all one to him if they are thieves, so long as he makes his profit.

Better than any master of the black art, Trick knows all the art of wine selling, its tricks and wiles; he will counterfeit with his craft Rhine wine with vintage of France; truly, such as never grew anywhere save on the banks of the Thames, he will brisk up and disguise and say it's Rhenish in the pitcher, so knowingly does he devise. There is no man so wide-awake that Trick does not trap him in the end.

If Trick is a wicked one in wine, he is still worse, by common report, in beer: I say this not for the French, but for the English who daily at the ale-house drink: but especially for the poorer sort who have neither a head nor a tail [1] of their own unless it

[1] *I.e.*, a penny.

come from their labor, and who all make a great clamor that the keeper of the ale-house is not reliable.

347. A Lesson on Usury [1]

The *Ayenbite of Inwyt* ("Remorse of Conscience") is a devotional manual in the Kentish dialect. It was translated in 1340 by Dan Michel, a monk of Canterbury, from the French work, *Le somme des vices et des virtues*, composed not long before for the use of Philip II. The extract given here summarizes the teachings of the Church in regard to usury.

There are seven kinds of usury. The first is lending that lendeth silver for other things, where over and above the capital sum the lender taketh the profits either in pence, or in horses, or in corn, or in wine, or in fruits of the ground that he taketh in mortgage, without reckoning these profits as part-payment. And what is worse, he will reckon twice, or even thrice in the year in order to raise the rate of usury, and yet he hath gifts as well for each term; and he maketh often of the usury a principal debt. These are usuries evil and foul. The courteous lender is he that lendeth without always making bargains for profit, either in pence, or in horses, or in cups of gold, or in silver, or in robes, or in tuns of wine, or in fat swine, or in services of horses or carts, or providings for himself or his children, or in any other things that he takes by reason of the loan. This is the first manner of usury, that is, lending wickedly.

The [second] manner of usury is in those that do not themselves lend, but that which their fathers or the fathers of their wives or their elders have received in pledge and they inherit, by usury they retain and will not yield it up.

The third manner of usury is in them that have shame to lend with their own hand, but they lend their pence through their servants or other men. These are the master money-lenders. Of such sin great men are not quit, who hold and sustain Jews and usurers that lend and destroy the country; and the great men take the rewards and the great gifts, and oftentimes the ransom-money of the goods of the poor.

The fourth manner is in those that lend with other men's

[1] W. J. Ashley, *Edward III and His Wars*, London, 1887, pp. 68–70.

silver that they buy at small cost in order to lend at a greater. These are the little usurers that teach so much foul craft.

The fifth manner is in bargaining when men sell a thing, whatsoever it is, for more than it is worth at the time. And what is worse, is wickedly selling at that time when they see their wares are most needed; then they sell the thing for twice the dearer, or thrice as much as the thing is worth. Such folk do much evil. For their bargaining destroyeth and maketh beggars of knights and nobles that follow tournaments. And they take their lands and their heritage in pledge and mortgage, from which they never acquit them. Others sin in buying things, as corn, or wine, or other things, for less than half the pence that it is worth, and then they sell them again for twice as much, or thrice the dearer. Others buy things when they are least worth and of great cheapness, as corn sold in harvest time, or wine, or bargains, in order to sell them again whenever they are most dear. And they wish for a dear time in order to sell the dearer. Others buy corn in the blade and vines in the flower, when they are of fair-shewing and good forwardness, that they may have, whatever befall, their wealth safe.

The sixth manner is when they give their pence to merchants in such wise that they are fellows in winning but not in losing. . . .

The seventh manner is in those that lend their poor neighbours, in their needs, a little silver, or corn, or do them a little courtesy. And when they see them poor and needy, then they make with them a bargain to do their work, and for the pence they have before given to the poor man or the corn they have lent him, they have three pennyworth of work for one penny.

348. A Petition against Usury [1]

This petition of the House of Commons was addressed to Edward III in 1376.

Further, the commons of the land pray that whereas the horrible vice of usury is so spread abroad and used throughout the land that the virtue of charity, without which none can be

[1] A. E. Bland, P. A. Brown, and R. H. Tawney, *English Economic History: Select Documents*, London, 1914, pp. 200–201. G. Bell and Sons, Ltd.

saved, is wellnigh wholly perished, whereby, as is known too well, a great number of good men have been undone and brought to great poverty: Please it, to the honour of God, to establish in this present Parliament that the ordinance [1] made in the city of London for a remedy of the same, well considered and corrected by your wise council and likewise by the bishop of the same city, be speedily put into execution, without doing favour to any, against every person, of whatsoever condition he be, who shall be hereafter attainted as principal or receiver or broker of such false bargains. And that all the Mayors and Bailiffs of cities and boroughs throughout the realm have the same power to punish all those who shall be attainted of this falsity within their bailiwicks, according to the form of the articles comprehended in the same ordinance. And that the same ordinance be kept throughout all the realm, within franchises and without.

349. Charter of John to the Jews [2]

John's charter, which applied to all Jews of England and Normandy, was granted in 1201. The document reveals the anomalous position of Jews in medieval England and the nature of the royal protection accorded to them.

Know that We have granted to all Jews of England and Normandy that they reside in freedom and honour in our land, and hold of Us all that they held of King Henry [I], our father's grandfather, and all that they now rightfully hold in lands, fees, gages and purchases, and that they have all their franchises and customs, as they had them in the time of the said King Henry, our father's grandfather, in better and more peaceful and honourable enjoyment.

And as often as cause of action shall have risen between Christian and Jew, let him who shall have appealed the other for the deraignment [3] of his cause have witnesses, to wit, a lawful Christian and a lawful Jew. And if the Jew shall have a writ

[1] Ordinance dated 1363.

[2] *Select Pleas, Starrs, and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220–1284*, London, 1902, pp. 1–2. Edited by J M. Rigg. Publications of the Selden Society, vol. xv.

[3] Determination.

touching his cause, his writ shall be to him for witness; and if a Christian shall have cause of action against a Jew, let it be tried by the Jew's peers.

And when a Jew be dead, let not his body be detained above ground, but let his heir have his money and his debts; so that thereof he may have peace if he have an heir to answer for him and to do right touching his debts and his forfeiture.[1]

And be it lawful for Jews without let to receive and buy all things brought to them, except those which pertain to the Church and blood-stained cloth.

And if a Jew be appealed by any without witness, he shall be quit of that appeal by his bare oath upon his Book [of the Law]. And in like manner he shall be quit of an appeal touching those things that pertain unto our Crown by his bare oath upon his Roll [of the Law].

And as often as there shall be dispute between Christian and Jew touching a loan of money, the Jew shall prove his principal and the Christian the interest.

And be it lawful for the Jew quietly to sell his gage[2] when it shall be certain that he has held it for a full year and a day.

And Jews shall not enter into plea save before Us, or before those who have ward of our castles, in whose bailiwicks Jews dwell.

And wherever Jews be, be it lawful for them to go wheresoever they will with all their chattels, as our proper goods, and be it unlawful for any to delay or forbid them.

And We ordain, that throughout the whole of England and Normandy they be quit of all customs and tolls and prisage of wine, as our proper chattel. And We command you and ordain, that you have them in ward and guard and countenance.

And We forbid any to implead them of the said matters against this Charter, on pain of forfeiture, as the Charter of our father, King Henry [II], rightfully witnesses.

[1] It had been the custom to attach bodies of deceased Jews as security for the discharge of claims of the Crown upon their estates.

[2] Pawn.

350. The Rhine League [1]

The important trade routes from Venice and Genoa through the Alpine passes into the valleys of the Danube and the Rhine were responsible for the prosperity of many fine cities in southern and central Germany. The feeble rule of the German kings compelled the cities to form several confederations, for the purpose of resisting the extortionate tolls and downright robberies of feudal lords. The instructive document which follows records the organization in 1254 of the Rhine League.

In the name of the holy and undivided Trinity. The judges, consuls,[2] and all the citizens of Mainz, Cologne, Worms, Speyer, Strassburg, Basel, and other cities which are bound together in the league of holy peace, to all the faithful of Christ, greeting in him who is the author of peace and the ground of salvation.

Since now for a long time many of our citizens have been completely ruined by the violence and wrongs which have been inflicted on them in the country and along the roads, and through their ruin others have also been ruined, so that innocent people, through no fault of their own, have suffered great loss, it is high time that some way be found for preventing such violence, and for restoring peace in all our lands in an equitable manner.

Therefore we wish to inform all that, with the aid of our Lord Jesus Christ, the author and lover of peace, and for the purpose of fostering peace and rendering justice, we have all unanimously agreed on the following terms of peace: We have mutually bound ourselves by oath to observe a general peace for ten years from St. Margaret's day.[3] The venerable archbishops, Gerhard of Mainz, Conrad of Cologne, Arnold of Trier, and the bishops, Richard of Worms, Henry of Strassburg, Jacob of Metz, Bertold of Basel, and many counts and nobles of the land have joined us in this oath, and they as well as we have all surrendered the unjust tolls which we have been collecting both by land and water, and we will collect them no longer.

This promise shall be kept in such a way that not only the

[1] O. J. Thatcher and E. H. McNeal, *A Source Book for Mediæval History*, New York, 1905, pp. 604–606. Charles Scribner's Sons.

[2] Aldermen.

[3] July 13.

greater ones among us shall have the advantage of this common protection, but all, the small with the great, the secular clergy, monks of every order, laymen, and Jews, shall enjoy this protection and live in the tranquillity of holy peace. If anyone breaks this peace, we will all go against him with all our forces, and compel him to make proper satisfaction.

In regard to the quarrels or differences which now exist between members of this peace, or which may hereafter arise, they shall be settled in the following way: Each city and each lord, who are members of this league, shall choose four reliable men and give them full authority to settle all quarrels in an amicable way, or in some legal manner.

351. Decrees of the Hanseatic League [1]

The Hanseatic (Old German *hansa*, a confederacy) League seems to have begun with an alliance of Lübeck and Hamburg to safeguard traffic on the Elbe against robbers and feudal lords. It grew rapidly, and at the period of its greatest power there were upwards of eighty Hanseatic cities along the Baltic and in the inland districts of northern Germany. These decrees, dating from 1260–1264, throw light on the early development of the league.

We wish to inform you of the action taken in support of all merchants who are governed by the law of Lübeck.

Each city shall, to the best of her ability, keep the sea clear of pirates, so that merchants may freely carry on their business by sea. Whoever is expelled from one city because of a crime shall not be received in another. If a citizen is seized,[2] he shall not be ransomed, but his sword-belt and knife shall be sent to him.[3] Any merchant ransoming him shall lose all his possessions in all the cities which have the law of Lübeck. Whoever is proscribed in one city for robbery or theft shall be proscribed in all. If a lord besieges a city, no one shall aid him in any way to the detriment of the besieged city, unless the besieger is his lord. If there is a war in the country, no city shall on that account injure a

[1] O. J. Thatcher and E. H. McNeal, *A Source Book for Mediæval History*, New York, 1905, pp. 611–612. Charles Scribner's Sons.

[2] By pirates or bandits.

[3] As a threat to his captors.

citizen from the other cities, either in his person or goods, but shall give him protection. If any man marries a woman in one city, and another woman from some other city comes and proves that he is her lawful husband, he shall be beheaded. If a citizen gives his daughter or niece in marriage to a man,[1] and another man comes and says that she is his lawful wife, but cannot prove it, he shall be beheaded.

This law shall be binding for a year, and after that the cities shall inform each other by letter of what decisions they make.

[1] From another city.

SECTION XX

MEDIEVAL CULTURE

352. Charlemagne's Letter on Education [1]

This famous letter, *De litteris colendis*, which has been called the charter of education for the Middle Ages, was composed by Charlemagne sometime between 780 and 800 and was addressed to the archbishops, bishops, and abbots of his realm. It had, therefore, practically the force of a capitulary, or royal decree. The only copy extant is the one addressed to Baugulf, abbot of Fulda.

Be it known to your Devotion, pleasing to God, that we and our faithful have judged it well that, in the bishoprics and monasteries committed by Christ's favour to our charge, besides the due observance of a regular and holy life, care shall be had for the study of letters, that those to whom God has given the ability to learn may receive instruction, each according to his several capacity. And this, that, just as obedience to the rule [2] gives order and beauty to your acts, so zeal in teaching and learning may impart the like graces to your words, and thus those who seek to please God by living aright may not fail to please Him also by right speaking. For it is written "by thy words shalt thou be justified or condemned"; [3] and though it is indeed better to do the right than to know it, yet it is needful also to know the right before we can do it. . . .

But in many letters received by us in recent years from divers monasteries, informing us of the prayers offered upon our behalf at their sacred services by the brethren there dwelling, we have observed that though the sentiments were good the language was uncouth, the unlettered tongue failing through ignorance to interpret aright the pious devotion of the heart.

[1] C. J. B. Gaskoin, *Alcuin: His Life and His Work*, Cambridge, 1904, pp. 182–184. University Press.

[2] In the case of the monasteries, the Benedictine Rule.

[3] *St. Matthew*, xii, 37.

And hence we have begun to fear that, if their skill in writing is so small, so also their power of rightly comprehending the Holy Scriptures may be far less than is befitting; and it is known to all that, if verbal errors are dangerous, errors of interpretation are still more so. We exhort you, therefore, not only not to neglect the study of letters but to apply yourselves thereto with that humble perseverance which is well-pleasing to God, that so you may be able with the greater ease and accuracy to search into the mysteries of the Holy Scriptures. For, as in the sacred pages there are images [1] and tropes and other similar figures, no one can doubt that the quickness with which the reader apprehends the spiritual sense will be proportionate to the extent of his previous instruction in letters. But let the men chosen for this task be such as are both themselves able and willing to learn and eager withal to impart their learning to others. And let the zeal with which the work is done equal the earnestness with which we now ordain it. For we desire that you may be marked, as behoves the soldiers of the Church, within by devotion, and without by wisdom — chaste in your life, learned in your speech — so that if any come to you to call upon the Divine Master, or to behold the excellence of the religious life, they may be not only edified by your aspect when they regard you, but instructed by your wisdom when they hear you read or chant, and may return home rejoicing and giving thanks to God Most High.

Fail not, as you would enjoy our favour, to send copies of this letter to all your suffragans and to every monastery.

353. Alcuin to Charlemagne [2]

Alcuin, born in 735 (the year of the Venerable Bede's death), studied in the cathedral school at York founded by a pupil of Bede, and later became head of that famous center of learning. His reputation as a teacher and theologian attracted the attention of Charlemagne, who in 782 persuaded him to serve as master of the palace school at Aix-la-Chapelle (Aachen), in which children of the Frankish nobility received instruction. Fourteen years later Alcuin retired from educational work

[1] Similes.

[2] Alcuin, *Epistulæ*, lxxviii. A. S. Cook and C. B. Tinker, *Select Translations from Old English Prose*, Boston, 1908, pp. 272–273. Ginn and Company.

and became abbot of St. Martin's at Tours, where this letter was written in 796 or 797.

I, your Flaccus,[1] in accordance with your exhortation and will, do my utmost in the buildings of St. Martin's [2] to provide some with the honey of Holy Scripture, to intoxicate others with the old wine of ancient studies, to feed others with the apples of grammatical subtlety, and to enlighten others with the marshaling of the stars — which suggests the work of a painter who seeks to beautify for some patron the vaulting of an edifice. Thus I am made many things to many men, that I may train up many to the advancement of the holy Church of God and to the adornment of your imperial reign, lest the grace of Almighty God bestowed upon me, and the bounty of your goodness, be in vain. In some measure, however, I, your servant, lack the choicer books of scholarly erudition which I had in my own country through the devoted industry of my teacher,[3] and even by my own slighter exertions. I say these things to your Excellency to the end that, if perchance it should please your intent, so desirous of all wisdom, I may be permitted to send over some of our young men to obtain everything we need, and bring back into France the flowers of Britain. In this way not only will York be a garden enclosed, but Tours will have its outflowings of Paradise and its pleasant fruits, so that the south wind may come and blow upon the gardens of the Loire, and the spices thereof may flow out. . . .

As far as my moderate abilities will permit, I will not be slothful in sowing the seeds of wisdom among your servants [4] in these parts, being mindful of the sentence: "In the morning sow thy seed, and in the evening withold not thy hand, for thou knowest not whether shall prosper, either this or that, or whether they both shall be alike good." In the morning, when my studies, because of my time of life, were flourishing, I sowed in

[1] The members of the literary circle at the court of the Frankish ruler called one another by names supposed to be descriptive of their qualities; thus Charlemagne was David, Alcuin, Horatius Flaccus, and Einhard, Calliopeus.

[2] At Tours.

[3] Albert, archbishop of York.

[4] The brethren of St. Martin's.

Britain; now, as my blood grows chill in the evening of my days, I cease not to sow in France, hoping that both, by the grace of God, may spring up.

354. King Alfred's Letter on Education [1]

Alfred's compilation of favorite passages, which he called his *Enchiridion*, inspired him with the wish to make them available for the benefit of his subjects. The king was thus led to undertake the translation from Latin into Anglo-Saxon of certain standard works by Boëthius, Orosius, and Bede. He also prepared a version of Pope Gregory the Great's *Cura pastoralis*, a body of instructions in doctrine and conduct for the clergy. Alfred's Preface to this work, in the form of a letter to his bishops, gives a depressing picture of the low state to which education had fallen in England at the close of the ninth century.

King Ælfred biddeth greet Bishop Wæferth [2] with loving and friendly words, and I let it be known to thee that it has come very often into my mind what wise men there formerly were both among the clergy and the laymen, and what happy times there were then throughout England; and how the kings who had rule over the people in those days obeyed God and his ministers, and they kept peace, law, and order at home, and also spread their lands abroad; and how it was well with them both in war and in wisdom; and also how keen were the clergy about both teaching and learning and all the services they owed to God, and how men from abroad sought wisdom and teaching hither in our land, and how we must now get them from without if we would have them. So utterly had learning fallen away in England that there were very few on this side of the Humber [3] who could understand their service-books in English, or even put a letter from Latin into English; and I think there were not many beyond the Humber. So few there were of them that I cannot think of even one when I came to the throne. Thanks be to God Almighty that we now have any supply of teachers. And

[1] Stopford A. Brooke, *English Literature from the Beginning to the Norman Conquest*, London, 1898, pp. 221–222. Macmillan and Company, Ltd. New York: Macmillan Company.

[2] A copy of Alfred's letter was sent to every bishop in England. The actual copy sent to Bishop Wæferth of Worcester is still extant in the Bodleian Library, Oxford.

[3] That is, south of the Humber.

therefore, I bid thee do, as I believe thou art willing to do, — free thyself from the things of this world as often as thou canst that thou mayst put to work the wisdom that God has given thee wherever thou canst. Think what punishments have come upon us in the sight of the world when we neither loved wisdom ourselves, nor let other men have it. We only loved to have the name of Christian, and to have very few Christian virtues.

When I remembered all this, I remembered also how I saw (before it was all harried and burned) how the churches over all England stood filled with treasures and books, and also a great host of God's servants; and at that time they knew very little use for those books, because they could not understand anything of them, for they were not written in their own language. It was as if they said: "Our forefathers, who held these places before us, loved wisdom, and through it they got wealth and left it to us." Here one can still see their footprints, but we cannot follow them because we have lost both the wealth and the wisdom, since we would not bend our heart to follow their spoor.[1]

When I remembered all this, then I wondered exceedingly about the good and wise men who were formerly throughout England, and who had fully learned the books — that they did not wish to turn any part of them into their own tongue. But I soon answered myself and said: They did not look for it that men would ever be so careless, and that learning would so fall away. For this desire they left it alone: — wishing that there should be the more wisdom here in the land the more we knew of languages.

Then I remembered how the Law was first given in the Hebrew tongue, and again, how when the Greeks learned it, they turned it all into their own tongue, and also all other books. And again, how the Romans did the same. When they had learned it, they turned all of it by wise translators into their own tongue. And also all other Christian peoples turned some part of the old books into their own tongue. Therefore it seemeth better to me, if it seemeth so to you, that we also turn some books — those which are most needful for men to know — into the tongue which we

[1] Tracks.

can all understand, and that ye make means — as we very easily can do, with God's help, if we have stillness — that all the youth now in England of free men who have the wealth to be able to set themselves to it be put to learning while they are not of use for anything else, until the time when they can well read English writing; but those whom one wishes to teach further, and to forward to a higher place — let them afterwards be taught further in the Latin tongue.

When I remembered how the knowledge of the Latin tongue had before this fallen away throughout England, and yet that many could read English writing — then I began amidst other divers and manifold occupations of this kingdom to turn into English the book which in Latin is named *Pastoralis*, and in English *Shepherd's Book;* sometimes word for word, sometimes meaning for meaning, as I had learned it from Plegmund, my archbishop, and Asser, my bishop, and from Grimbald, my mass-priest, and from John, my mass-priest. When I had learned it so that I understood it, and so that I could quite clearly give its meaning, I turned it into English. And to each bishopric in my Kingdom I will send one, and in each there shall be an "æstel" [1] worth fifty mancuses.[2] And I command, in God's name, that no one take the "æstel" from the book nor the book from the minster; it is unknown how long there may be such learned bishops, as now, God be thanked, are nearly everywhere. Therefore I would that they should be always kept in that place, except the bishop wish to have the book with him, or it be lent out anywhere, or any one be making a copy from it.

355. Cathedral Schools [3]

The third Lateran Council, which met in 1179, under Alexander III, enacted a decree requiring every cathedral to provide free instruction for clerks of the Church and poor scholars generally.

Since the church of God, like a loving mother, is bound to provide for the needy both the things which concern the main-

[1] A word of uncertain meaning.

[2] The mancus was a gold coin, the value of an ox.

[3] A. F. Leach, *Educational Charters and Documents, 598 to 1909*, Cambridge, 1911, p. 123. University Press.

tenance of the body and which tend to the profit of souls, in order that the poor, who cannot be assisted by their parents' means, may not be deprived of the opportunity of reading and proficiency, in every cathedral church a competent benefice shall be bestowed upon a master who shall teach the clerks of the same church and poor scholars freely, so that both the necessities of the teacher shall be relieved and the way to learning laid open for the learners.

In other churches, too, or monasteries, if anything shall have been in times past assigned for this purpose, it shall be restored.

For a licence to teach no one shall exact money, even if on pretence of any custom he ask anything from those who teach, nor when a licence is asked shall he prevent any one, who is fit, from teaching. Whoever presumes to contravene this shall be put out from any ecclesiastical benefice.

For it seems to be right that none should have the fruits of his labour in the church of God, who in the greediness of his mind, by selling a licence to teach, endeavours to prevent the proficiency of churchmen.

356. A Chantry School [1]

Chantries were often endowed for the express purpose of maintaining priests who recited prayers for the repose of the founder's soul. The mass-priest might also be required to do some elementary teaching besides, to occupy his time. This requirement is illustrated in the grant quoted below. It dates from 1489, but in substance resembles much earlier documents of the sort.

To all sons of holy mother church . . . William Chamber, of Aldwincle, in the county of Northampton, health. . . .

I make known to you all by these presents that I . . . have given . . . to Sir John Seliman, chaplain, for his maintenance and that of his successors . . . celebrating divine service every day at the altar of St. Mary the Virgin, in the parish church of All Saints . . . for all the souls aforesaid for ever my manor of Armeston [and other property].

[1] A. F. Leach, *Educational Charters and Documents, 598 to 1909*, Cambridge, 1911, p. 435. University Press.

That this ordinance may endure for ever I will and ordain that the chantry aforesaid shall be for ever called "The chantry of William Chamber, William Aldwincle and Elizabeth their wife," and that the chaplain for the time being shall every day . . . celebrate mass at the altar aforesaid. . . .

Moreover I will and ordain that the said chaplain for the time being shall teach and instruct, in spelling and reading, six of the poorest boys of the town of Aldwincle aforesaid, to be named by me and my wife Elizabeth while we are alive, and after our death three named by the rector of St. Peter's church in Aldwincle aforesaid, and the other three by the chaplain for the time being, freely, without demanding or taking any remuneration from their parents or friends; and the boys, when they have been so instructed and taught, shall say every night in All Saints' Church in Aldwincle aforesaid, at the direction of the chaplain aforesaid, for our souls and the souls of all the faithful departed, the psalm "Out of the deep," [1] with the prayers "Incline thine ear" and "God of the faithful."

357. Privilege of Frederick I for Italian Students [2]

The oldest document containing a grant of privileges to the students of a medieval university is the edict of Frederick I (Barbarossa) issued at Roncaglia in 1158. Though probably obtained from the emperor at the solicitation of the Bolognese doctors of law, it seems to have been granted to the student class in general throughout the Lombard kingdom. Bologna is not named in the document.

After a careful consideration of this subject by the bishops, abbots, dukes, counts, judges, and other nobles of our sacred palace, we, from our piety, have granted this privilege to all scholars who travel for the sake of study, and especially, to the professors [3] of divine and sacred laws, namely, that they may go in safety to the places in which the studies are carried on, both they themselves and their messengers, and may dwell there in security. For we think it fitting that, during good behavior, those should enjoy our praise and protection, by whose learning

[1] The *De profundis*.

[2] *Translations and Reprints*, vol. ii, No. 3, pp. 2–3. Translated by D. C. Munro.

[3] Including students or scholars, as well as teachers.

the world is enlightened to the obedience of God and of us, his ministers, the life of the subjects is moulded; and by a certain special love we defend them from all injuries.

For who does not pity those who exile themselves through love for learning, who wear themselves out in poverty in place of riches, who expose their lives to all perils and often suffer bodily injury from the vilest men — this must be endured with vexation. Therefore, we declare by this general and ever to be valid law, that in the future no one shall be so rash as to venture to inflict any injury on scholars, or to occasion any loss to them on account of a debt owed by an inhabitant of their province — a thing which we have learned is sometimes done by an evil custom.[1] And let it be known to the violators of this constitution, and also to those who shall at the time be the rulers of the places, that a four-fold restitution of property shall be exacted from all and that, the mark of infamy being affixed to them by the law itself, they shall lose their office forever.

Moreover, if anyone shall presume to bring a suit against them on account of any business, the choice in this matter shall be given to the scholars, who may summon the accusers to appear before their professors or the bishop of the city, to whom we have given jurisdiction in this matter. But if, in sooth, the accuser shall attempt to drag the scholar before another judge, even if his cause is a very just one, he shall lose his suit for such an attempt.

358. Statutes of the University of Paris [2]

Robert de Courçon, the papal legate, promulgated these statutes for the university in 1215. He enumerates carefully the books to be read by students in the arts course and sets down various regulations affecting them and students in theology as well. No reference is made to courses in civil law and medicine, the study of which was discouraged by the Church at this time.

No Parisian in arts may lecture earlier than in the twenty-first year of his age, nor before he has heard lectures in arts for six years

[1] Students were not to be held liable for debts of their fellow-countrymen.

[2] J. W. Adamson, *A Short History of Education*, Cambridge, 1919, pp. 37–39 University Press.

at least previous to his undertaking to lecture, nor before he has declared publicly that he will lecture for two years at least, unless prevented by a reasonable cause which he will be ready to justify publicly, or before examiners. Nor shall he lecture if he be in ill repute. . . .

And we ordain and determine that in the schools they shall read Aristotle's *Logic*, as well the old as the new, in the ordinary course and not casually. In like manner, they shall read the two Priscians,[1] or one of them at least. On festival days [2] there shall be no lectures save those on philosophers, rhetoric, the studies of the quadrivium,[3] Donatus's *Barbarism*,[4] and, if agreeable, ethics [5] and the fourth book of the *Topica*.[6] The following shall not be read, that is to say, Aristotle's *Metaphysic* and *Natural Philosophy* and summaries of these, the teaching of Master David of Dinant, of the heretic Amalric, of the Spaniard, Mauritius.

Let there be no banquets in connexion with the meeting of masters or the "respondings" or "oppositions" of the boys or youths. They may summon some friends or associates, but only [a] few. We advise however the bestowal, on the poor especially, of gifts, whether of clothes or of other things, according to custom, or more. No master lecturing in arts may wear a cope, except a round one, black and, at least while it is new, reaching to the ankles. He may well wear a cloak. He may not wear laced shoes with pendants beneath a round cope. If any scholar in arts or theology die, let half the masters of arts go to the funeral on that occasion, and the other half on the next, and not retire till the burial is completed, unless there shall be reasonable cause. If a master in arts or in theology die, all masters shall be present at the vigil, any one of them to read the psalter, or cause it to be read, and another to make sojourn in the church, where the vigil is observed, till midnight or late at night, unless rea-

[1] Including the first sixteen books of Priscian's *Institutiones grammaticæ*.
[2] There were nearly one hundred holidays each year.
[3] Arithmetic, geometry, music, and astronomy.
[4] The third book of the *Ars major* by Donatus, a fourth-century grammarian.
[5] Aristotle's *Nicomachean Ethics*.
[6] By Boëthius.

sonable cause shall hinder. On the day on which a master is interred, no one shall lecture or dispute. . . .

Any one master may make a bargain with his own scholar. No one may take over a school, or house, without the consent of the tenant, so long as he has the opportunity of seeking elsewhere. No one may begin teaching on the licence of the Chancellor in return for money paid to the Chancellor by some one else, on account of pledged faith or other agreement made. Also the masters and scholars, as well in their own behalf as in association with others, may impose obligations, or make regulations, confirmed by good faith, penalty or oath, in these cases following, that is to say, the murder or mutilation of a scholar or savage injury inflicted on a scholar, defect of justice, taxing the rents of hostels, dress, burial, lectures and disputations, yet so that for these things the Studium [1] shall not be dissolved or destroyed.

As to the theologians, we determine that no Parisian may lecture before his thirty-fifth year, nor until he has studied for eight years, at least, and heard lectures on theology for five years, before he gives lectures of his own in public. And let none of them lecture before the third hour on those days when the masters are lecturing. Let no Parisian be permitted to deliver formal lectures, or to preach, except he be of approved life and knowledge. And let there be no scholar of Paris who has not his own particular master.

That these ordinances may be inviolably observed, we, by that legatine authority which is ours to employ, bind with the chain of excommunication all who shall presume contumaciously to offend against these our statutes, unless within fifteen days from the day of their transgression they take care to amend their presumptuous behaviour in the presence of the whole body of masters and scholars or of their representatives.

359. The "Jus Ubique Docendi" [2]

Masters and Doctors of Paris, Bologna, and Oxford, the three leading universities, were early recognized as qualified to teach outside the dio-

[1] University.

[2] A. O. Norton, *Readings in the History of Education: Mediæval Universities*, Cambridge, Mass., 1909, pp. 97–98. Harvard University Press.

ceses for which their degrees had been originally granted. Other universities, desiring equal prestige in this respect, obtained from the pope or Holy Roman Emperor bulls which authorized them to grant "the right of teaching everywhere." The privilege thus came to be regarded as the essence of a *studium generale*, as officially marking the rank of a school as a place of higher education. Even Paris formally received it by a bull of Nicholas IV in 1292.

Desiring, therefore, that the students in the field of knowledge in the city of Paris, may be stimulated to strive for the reward of a Mastership, and may be able to instruct, in the Faculties in which they have deserved to be adorned with a Master's chair, all those who come from all sides, — we decree, by this present letter, that whoever of our University in the aforesaid city shall have been examined and approved by those through whom, under Apostolic authority, the right to lecture is customarily bestowed on licentiates in said faculties, according to the custom heretofore observed there, — and who shall have from them license in the Faculty of Theology, or Canon Law, or Medicine, or the Liberal Arts, — shall thenceforward have authority to teach everywhere outside of the aforesaid city, free from examination or test, either public or private, or any other new regulation as to lecturing or teaching. Nor shall he be prohibited by anyone, all other customs and statutes to the contrary notwithstanding; and whether he wishes to lecture or not in the Faculties referred to, he shall nevertheless be regarded as a Doctor.

360. Exemption of Masters and Scholars from Taxation [1]

The following grant of exemption was made by Philip IV in 1340 or 1341 to the teachers and students of Paris. It is typical of privileges received by medieval universities from the authorities, both lay and ecclesiastical.

To the aforesaid Masters and Scholars, now in attendance at the University, and to those who are hereafter to come to the same University, or who are actually preparing in sincerity so to come, also while they are staying at the University, or returning to their own homes, we grant . . . that no layman, of whatever

[1] A. O. Norton, *Readings in the History of Education: Mediæval Universities*, Cambridge, Mass., 1909, p. 89. Harvard University Press.

condition or prominence he may be, whether he be a private person, prefect, or bailiff, shall disturb, molest or presume otherwise in any way whatsoever to seek to extort anything from the aforesaid Masters and Scholars, in person, family or property, under pretext of toll, *tallia*,[1] tax, customs, or other such personal taxes, or other personal exaction of any kind, while they are either coming to the University itself, or actually preparing in sincerity to come, or returning to their own homes; and whose status as scholars shall be established by the proper oath.

361. A Testimonial from the University of Paris [2]

This document belongs to the year 1315.

To the venerable father in Christ, by the grace of God Lord Prior of the cathedral of Worcester and the Convent of the same place, the University of masters and scholars studying at Paris commends itself and its ready goodwill to please.

That garden of delights, the University of Paris, the ancient mother and nurse of all studies, where the root of wisdom sends out its loftiest branches, where the tree of life unceasingly brings forth flowers and fruits of the graces, where also a living fountain issues, watering and fertilizing the whole globe of earth, to seek whose waters flock together the thirsty from every part of the world, and where whosoever wills may freely drink and be filled with the water of saving knowledge, has been wont rightly to commend to the various princes of the world and ecclesiastical prelates those accomplished men whom she has nourished and made perfect in divers sciences; and this the more zealously in proportion to the eminence of the degrees and position to which such persons have attained.

Since, therefore, the reverend Doctor, Master John of St. German,[3] your humble brother, and a venerable member of our

[1] A special form of feudal tax.

[2] *The Worcester Liber Albus*, London, 1920, pp. 142–143. Translated by J. M. Wilson. Society for Promoting Christian Knowledge.

[3] He had been a lecturer in St. Augustine's monastery at Canterbury, had thence gone to Paris for postgraduate study, and was now (1315) returning to England.

body, by formal act a regent in Sacred Scripture; whose praiseworthy life, and nobility of proved virtue, and also the illustrious merits of his learning commend him; who for a long time has shone among us as a brilliant star without a stain; and who, by your favour which has in no small degree adorned our college, is preparing by your orders, as he says, to return to your parts; we with one accord and with all possible affection commend to your kindness this most lovable and beloved person.

We beg you, if it please you, in accordance with the merit of his character, and with his position, and in consideration of our requests, so to treat him as to earn our thanks and favour, and to animate us all the more to honour others of your Order in the like circumstances. Be assured that whatever may be done, by you or by others, for this our master and venerated associate, that we shall count as done for our college.

362. University Expenses [1]

This letter, purporting to be from an Orléans scholar to his father, is found in a ballade by Eustache Deschamps, called Morel, a fourteenth-century poet.

Well-beloved father, I have not a penny, nor can I get any save through you, for all things at the University are so dear: nor can I study in my Code or my Digest, for they are all tattered. Moreover, I owe ten crowns in dues to the Provost, and can find no man to lend them to me; I send you word of greetings and of money.

The Student hath need of many things if he will profit here; his father and his kin must needs supply him freely, that he be not compelled to pawn his books, but have ready money in his purse, with gowns and furs and decent clothing, or he will be damned for a beggar; wherefore, that men may not take me for a beast, I send you word of greetings and of money.

Wines are dear, and hostels, and other good things; I owe in every street, and am hard bested to free myself from such snares. Dear father, deign to help me! I fear to be excommunicated;

[1] G. G. Coulton, *A Mediæval Garner*, London, 1910, pp. 559–560. Constable and Company, Ltd.

already have I been cited, and there is not even a dry bone in my larder. If I find not the money before this feast of Easter, the church door will be shut in my face: wherefore grant my supplication, for I send you word of greetings and of money.

363. A Scholar of Paris [1]

Rutebeuf, the author of the following poem, was a famous French minstrel of the thirteenth century. Little is known of his life, except that most of it was spent in Paris. His writings, which included satires, fables, saints' lives, a miracle play, and political and didactic dialogues, reveal a striking personality.

Much argument is heard of late,
The subject I'll attempt to state,
A question for dispute, I fear,
That will hang on for many a year.
The student-folk of Paris town
(I speak of those in cap and gown,
Students of art, philosophy, —
In short, "the University,"
And not our old-time learned men)
Have stirred up trouble here again.
Nothing they'll gain, it seems to me,
Except more bitter enmity,
Till there is no peace, day or night.
Does such a state of things seem right?

To give his son a chance to stay
In Paris, growing wise each day,
Is some old peasant's one ambition.
To pay his bills and his tuition
The poor hard-working father slaves;
Sends him each farthing that he saves,
While he in misery will stay
On his scant plot of land to pray

[1] Martha H. Shackford, *Legends and Satires from Mediæval Literature*, Boston, 1913, pp. 125–127. Translated by Marion E. Markley. Ginn and Company.

That his hard toil may help to raise
His son to honor and to praise.
But once the son is safe in town
The story then reads upside down.
Forgetting all his pledges now,
The earnings of his father's plow
He spends for weapons, not for books.
Brawling through city streets, he looks
To find some pretty, loitering wench,
Or idle brawl by tavern bench;
Wanders at will and pries about,
Till money fails and gown wears out. —
Then he starts fresh on the old round;
Why sow good seed on barren ground?
Even in Lent when men should do
Something pleasing in God's view,
Your students then elect to wear
For penitence, no shirts of hair,
But swaggering hauberks, as they sit
Drowning in drink their feeble wit;
While three or four or them excite
Four hundred students to a fight,
And close the University.
(Not such a great calamity!)

Yet, heavens, for one of serious mind
What life more pleasing can you find
Than earnest scholar's life may be?
More pains than precious gems has he,
And while he's struggling to grow wise,
Amusements he must sacrifice, —
Give up his feasting and his drinking,
And spend his time in sober thinking.
His life is just about as merry
As is a monk's in a monastery.
Why send a boy away to school
There to become an arrant fool?

When he should be acquiring sense,
He wastes his time and all his pence,
And to his friends brings only shame,
While they suppose him winning fame.

364. A Clerk of Oxford [1]

The following extract is from a modernized version of Chaucer's *Prologue*.

A clerk of Oxford next my notice caught,
That unto logic long had given his thought.
His horse appeared as lean as is a rake,
And he was nowise fat, I undertake;
But looked all hollow, and of sober mien.
Full threadbare was his upper mantle seen;
For he, as yet, no benefice could gain,[2]
Nor would he worldly office entertain.
For rather would he have, beside his bed,
Some twenty books, all clad in black or red,
Of Aristotle and his philosophy,
Than fiddle, costly robes, or psaltery.
But, though amongst philosophers enrolled,
Within his chest he had but little gold;
But all that he might gain from any friend
On learning and on books would he expend,
And duly for the souls of those he prayed
That for his studies gave substantial aid.
To gather learning took he care and heed,
And ne'er a word would utter more than need;
And all was said in form and reverence,
In brief and lively terms, and full of sense.
To moral virtue tended all his speech,
And gladly would he learn, and gladly teach.

[1] Chaucer, *Prologue*, 285–308. W. W. Skeat, *The Prologue to the Canterbury Tales*, London, 1907, pp. 14–15. Chatto and Windus.

[2] The clerk would seem to have been a candidate for holy orders.

365. A Wandering Student [1]

The *Vagi*, or Wandering Students, of the Middle Ages, formed a sort of guild or Order. Far from home, careless and pleasure-seeking, light of purse and light of heart, they frequented taverns as well as lecture rooms and knew the wine-bowl even better than books. Their songs of love, of dancing, drinking, and gaming, reflect the jovial and more unconventional aspects of medieval life. Our knowledge of these compositions is derived principally from two thirteenth-century manuscripts, one now at Munich and edited in 1847 under the title *Carmina Burana*, and the other a Harleian manuscript published (with other materials) in 1841 under the title *Latin Poems commonly attributed to Walter Mapes*. Many songs occur in both collections, thus testifying to their former wide diffusion in western Europe.

I, a wandering scholar lad,
Born for toil and sadness,
Oftentimes am driven by
Poverty to madness.

Literature and knowledge I
Fain would still be earning,
Were it not that want of pelf
Makes me cease from learning.

These torn clothes that cover me
Are too thin and rotten;
Oft I have to suffer cold,
By the warmth forgotten.

Scarce I can attend at church,
Sing God's praises duly;
Mass and vespers both I miss,
Though I love them truly.

Oh, thou pride of N——,
By thy worth I pray thee

[1] J. A. Symonds, *Wine, Women, and Song: Mediæval Latin Students' Songs* London, 1907, pp. 59–60. Chatto and Windus.

Give the suppliant help in need,
Heaven will sure repay thee.

Take a mind unto thee now
Like unto St. Martin;[1]
Clothe the pilgrim's nakedness,
Wish him well at parting.

So may God translate your soul
Into peace eternal,
And the bliss of saints be yours
In His realm supernal.

366. "Gaudeamus Igitur"[2]

This famous lyric is still sung by German students after the funeral of a comrade.

Let us live, then, and be glad
While young life's before us!
After youthful pastime had,
After old age hard and sad,
Earth will slumber o'er us.

Where are they who in this world,
Ere we kept, were keeping?
Go ye to the gods above;
Go to hell; inquire thereof:
They are not; they're sleeping.

Brief is life, and brevity
Briefly shall be ended:
Death comes like a whirlwind strong,
Bears us with his blast along;
None shall be defended.

[1] Bishop of Tours, famous for acts of charity.

[2] J. A. Symonds, *Wine, Women, and Song: Mediæval Latin Students' Songs*, London, 1907, pp. 188–189. Chatto and Windus.

Live this university,
Men that learning nourish;
Live each member of the same,
Long live all that bear its name;
Let them ever flourish!

Live the commonwealth also,
And the men that guide it!
Live our town in strength and health,
Founders, patrons, by whose wealth
We are here provided!

Live all girls! A health to you,
Melting maids and beauteous!
Live the wives and women too,
Gentle, loving, tender, true,
Good, industrious, duteous!

Perish cares that pule and pine!
Perish envious blamers!
Die the Devil, thine and mine!
Die the starch-necked Philistine!
Scoffers and defamers!

367. Abélard's "Yea and Nay" [1]

The fame of Abélard as a teacher led to an increase of masters and students at Paris, thus paving the way for the establishment of the university there later in the twelfth century. In order to promote the free discussion of scholastic questions, he prepared a little book, *Yea and Nay*, which set forth definitely the method of instruction followed for centuries in medieval seats of learning. The method was simplicity itself: a statement of the theses for debate and then a citation of the authorities on one side and the other — *sic et non*. The book contains one hundred and fifty-eight theses, presenting the conflicting opinions of the Church Fathers on as many points of religion and morals, but without any indication of the author's own views. "Constant questioning," declared Abélard, in his Prologue, "is the first key to wisdom. . . .

[1] A. O. Norton, *Readings in the History of Education: Mediæval Universities*, Cambridge, Mass., 1909, pp. 21–24. Harvard University Press.

Through doubting we come to inquiry and through inquiry we perceive the truth." The nature of the work may be judged from the following selection (No. 156), which deals with the lawfulness or unlawfulness of homicide.

Jerome on Isaiah, Bk. V. He who cuts the throat of a man of blood, is not a man of blood.

Idem, On the Epistle to the Galatians: He who smites the wicked because they are wicked and whose reason for the murder is that he may slay the base, is a servant of the Lord.

Idem, on Jeremiah: For the punishment of homicides, impious persons and poisoners is not bloodshed, but serving the law.

Cyprian, in the Ninth Kind of Abuse: The King ought to restrain theft, punish deeds of adultery, cause the wicked to perish from off the face of the earth, refuse to allow parricides and perjurers to live.

Augustine: Although it is manslaughter to slaughter a man, a person may sometimes be slain without sin. For both a soldier in the case of an enemy and a judge or his official in the case of a criminal, and the man from whose hand, perhaps without his will or knowledge, a weapon has flown, do not seem to me to sin, but merely to kill a man.

Likewise: The soldier is ordered by law to kill the enemy, and if he shall prove to have refrained from such slaughter, he pays the penalty at the hands of his commander. Shall we not go so far as to call these laws unjust or rather no laws at all? For that which was not just does not seem to me to be a law.

Idem, on Exodus ch. xxvii: The Israelites committed no theft in spoiling the Egyptians, but rendered a service to God at his bidding, just as when the servant of a judge kills a man whom the law hath ordered to be killed; certainly if he does it of his own volition he is a homicide, even though he knows that the man whom he executes ought to be executed by the judge.

Idem, on Leviticus ch. lxxv: When a man is justly put to death, the law puts him to death, not thou.

Idem, Bk. I of the "City of God": Thou shalt not kill, except in the case of those whose death God orders, or else when a law hath been passed to suit the needs of the time and express

command hath been laid upon a person. But he does not kill who owes service to the person who gives him his orders, for he is as it were a mere sword for the person who employs his assistance.

Likewise: When a soldier, in obedience to the power under which he is legitimately placed, kills a man, by no law of the state is he accused of murder; nay if he has not done it, he is accused of desertion and insubordination. But if he had acted under his own initiative and of his own will, he would have incurred the charge of shedding human blood. And so he is punished if he does not do when ordered that for which he would receive punishment if he did it without orders. . . .

Isidore, Etymologiæ, Bk. XVIII, ch. iii: A righteous war is one waged according to orders, to recover property or drive back the enemy.

Pope Nicholas to the questions of the Bulgarians: If there is no urgent need, not only in Lent but at all times, men should abstain from battles. If however there is an unavoidable and urgent occasion, and it is not Lent, beyond all doubt preparations for wars should be sparingly made in one's own defence or in that of one's country or the laws of one's fathers; lest forsooth this word be said; A man if he has an attack to make, does not carefully take counsel beforehand for his own safety and that of others, nor does he guard against injury to holy religion.

368. A Condemnation of Theological Errors [1]

Among the functions of the University of Paris was that of acting as a judge of heretical opinions. The errors here enumerated were condemned at a session of the chancellors and masters in 1241. They give some notion of the kind of problems which engaged the attention and sharpened the wits of the scholastics.

The first error is, that the Divine essence in itself will not be seen by any man or angel.

We condemn this error, and by the authority of William, the bishop, we excommunicate those who assert and defend it. Moreover, we firmly believe and assert that God in His essence

[1] *Translations and Reprints*, vol. ii, No. 3, pp. 18–19. Translated by D. C. Munro.

or substance will be seen by the angels and all saints, and is seen by glorified spirits. . . .

The fourth, that glorified spirits are not in the empyreal heaven with the angels, nor will the glorified bodies be there, but in the aqueous or crystalline heaven, which is above the firmament; which they also presume to think concerning the blessed Virgin.

We condemn this error, for we firmly believe, that angels and sanctified souls and corporeal bodies will occupy the same corporeal place, namely, the empyreal heaven.

The fifth, that the bad angel was bad from his very creation, and never was anything but bad.

We condemn this error, for we firmly believe that he was created good, and afterward through sinning he became bad.

The sixth, that an angel can at the same moment be in different places, and can be omnipresent if he chooses.

We condemn this error, for we firmly believe, that an angel is in one definite place; so that, if he is here, he is not elsewhere at the same moment; for it is impossible that he should be omnipresent, for this is peculiar to God alone . . .

The tenth, that the bad angel never had ground whereon he was able to stand, not even Adam in his state of innocence.

We condemn this error, for we firmly believe that each one had ground whereon he was able to stand, but not anything by which he was able to profit.

369. Logic Choppers [1]

The philosophy on which the scholastics relied was mainly that of Aristotle. Christian Europe read him at first in Latin translations from Arabic versions, but translations were later made from the Greek originals found in Constantinople and elsewhere in the East. The revival of Aristotle, though it broadened men's minds by acquainting them with the ideas of the greatest of ancient thinkers, had serious drawbacks. It discouraged rather than favored the search for new truth. Many scholastics were satisfied to appeal to Aristotle's authority, rather than take the trouble of finding out things for themselves. The Italian Petrarch (1304–1374), who has been called the first modern scholar,

[1] Petrarca, *Epistulæ de rebus familiaribus et variæ*, i, 6. J. H. Robinson and H. W. Rolfe, *Petrarch, the First Modern Scholar and Man of Letters* (Second Edition), New York, 1914, pp. 219–222. G. P. Putnam's Sons.

rejected altogether the claims made for the Aristotelian dialectic. The following letter, written apparently while Petrarch was still a young man, is a vigorous expression of his views on this subject.

These logicians seek to cover their teachings with the splendour of Aristotle's name; they claim that Aristotle was wont to argue in the same way. They would have some excuse, I readily confess, if they followed in the steps of illustrious leaders, for even Cicero says that it would give him pleasure to err with Plato, if err he must. But they all deceive themselves. Aristotle was a man of the most exalted genius, who not only discussed but wrote upon themes of the very highest importance. How can we otherwise explain so vast an array of works, involving such prolonged labour and prepared with supreme care amid such serious preoccupations — especially those connected with the guardianship of his fortunate pupil[1] — and within the compass, too, of a life by no means long? — for he died at about sixty-three, the age which all writers deem so unlucky. Now why should these fellows diverge so widely from the path of their leader? Why is not the name of Aristotelians a source of shame to them rather than of satisfaction, for no one could be more utterly different from that great philosopher than a man who writes nothing, knows but little, and constantly indulges in much vain declamation? Who does not laugh at their trivial conclusions, with which, although educated men, they weary both themselves and others? They waste their whole lives in such contentions. Not only are they good for nothing else, but their perverted activity renders them actually harmful. Disputations such as they delight in are made a subject of mirth by Cicero and Seneca, in several passages. We find an example in the case of Diogenes, whom a contentious logician addressed as follows: "What I am, you are not." Upon Diogenes conceding this, the logician added, "But I am a man." As this was not denied, the poor quibbler propounded the conclusion, "Therefore you are not a man." "The last statement is not true," Diogenes remarked, "but if you wish it to be true, begin with me in your major premise." Similar absurdities are common enough with

[1] Aristotle was the tutor of Alexander the Great.

them. What they hope to gain from their efforts, whether fame or amusement, or some light upon the way to live righteously and happily, they may know; to me, I confess, it is the greatest of mysteries. Money, certainly, does not appeal at least to noble minds as a worthy reward of study. It is for the mechanical trades to strive for lucre; the higher arts have a more generous end in view.

On hearing such things as these, those of whom we are speaking grow furious; — indeed the chatter of the disputatious man usually verges closely on anger. "So you set yourself up to condemn logic," they cry. Far from it; I know well in what esteem it was held by that sturdy and virile sect of philosophers, the Stoics, whom our Cicero frequently mentions, especially in his work *De Finibus*. I know that it is one of the liberal studies, a ladder for those who are striving upwards, and by no means a useless protection to those who are forcing their way through the thorny thickets of philosophy. It stimulates the intellect, points out the way of truth, shows us how to avoid fallacies, and finally, if it accomplishes nothing else, makes us ready and quick-witted.

All this I readily admit, but because a road is proper for us to traverse, it does not immediately follow that we should linger on it forever. . . . Dialectics may form a portion of our road, but certainly not its end: it belongs to the morning of life, not to its evening. We may have done once with perfect propriety what it would be shameful to continue. If as mature men we cannot leave the schools of logic because we have found pleasure in them as boys, why should we blush to play odd and even, or prance upon a shaky reed, or be rocked again in the cradle of our childhood?

370. Questions of Adelard of Bath [1]

The twelfth and thirteenth centuries were marked by a healthy interest in science. One of the earliest of medieval inquirers into nature's secrets was Adelard of Bath, who studied in the schools of Gaul and

[1] Adelard of Bath, *Quæstiones Naturales*, Oxford, 1920, pp. 139–142. Translated by Hermann Gollancz. Clarendon Press.

traveled in Moslem lands, devoting himself especially to Arabic learning. He made a number of translations from Arabic treatises on mathematics and astronomy. His most original work, which appeared sometime between 1107 and 1133, is the *Natural Questions*, in the form of a dialogue between the author and a favorite nephew. The four chapters quoted (LI, LIII–LV) will afford some idea of how Adelard dealt with concrete problems in natural science.

Nephew. Let us, therefore, now pass to the natures of various waters, in regard to which my first perplexity is why sea-water is bitter and salty?

Adelard. I regard the heat of the sun and the planets as the cause of the saltiness. The real ocean flows through the torrid and centre zone, and it is through the same zone, though indirectly, that the planets have their course; and, as a result of the great heat of the stars, the sea itself is necessarily heated, and consequently becomes salty. A fact which supports this theory is, that in the sea-board districts near that ocean, sea-water when dried in the sun on the rocks is, without any artificial process, turned into salt; while in more distant seas, if you want to get salt, the sea-water as being remote from the violent heat, and therefore less cooked, has to be subjected more than once to the action of fire. It has often been found also that even fresh water can be turned into salt by a process of cooking over fire; and to this we must add, that all sea-water is salter in summer than in winter, — a fact that can easily be verified by experiment. . . .

Nephew. Since it is agreed that nothing that is possible must be put aside, we must consider this next question. If, as the common herd declare, all rivers flow into the sea, it is strange, having regard to the great bulk of their waters, their constant flow, and their almost infinite number, that they do not swell the ocean's size.

Adelard. If you follow the common herd you will tumble into a pit. They not only understand nature so badly as to be like men in a dream, but when they talk about her, positively snore. It is not true that all rivers run into the sea, though many do; and just as some run into it, so others rise out of it. Consequently, the sea gives as well as receives, and so gets no sensible

increase. In the same way some people have raised the question why, seeing that many subterranean streams proceed from it, and the stars also drink up a great part of it, it does not decrease rather than increase. Hence we find in Statius,[1] that Phœbus sings of "the spring that feeds the boundless main." As a matter of fact, the sea gives as much as it receives.

Nephew. Lo! I am again befogged. If rivers run from the sea to us, how is it that they are not salt when they reach us?

Adelard. That which they received, they lose on the road; for though they were salt when they started, yet being, as it were, strained in their passage through the bowels of the earth, they leave their saltiness there.

Nephew. Now that we have made mention of rivers, if we regard them carefully, we shall find ground for perplexity: how is it that they maintain a constant flow? How are we to account for the fact, that the flow of water was not exhausted long ago? Water follows water in endless success, and the long procession never ends, this entire arrangement going on to infinity.

Adelard. He who is ignorant of beginnings speaks but ill of conclusions. I want you to understand that the movement is a circular one, without beginning and without end, and anything of which this is true is in a state of perpetual movement. Rivers, being running streams, have by natural means a continuous circular movement, and therefore return upon themselves: what they have lost by the outward movement, they regain by the return. Hence it is that the satirist, mocking the stolidity of the vulgar, says, "The bumpkin stands waiting till the stream has flowed past; but it glides on, in its rolling course for all time." Do you, therefore, who just now bumpkin-fashion were waiting for the end of the ever-flowing stream, now that you have been instructed, return to the ship of wisdom, in order that you may cross the river.

[1] A Roman poet of the first century A.D.

371. Questions of Petrus Hispanus [1]

Petrus Hispanus, or Peter of Spain, a student at the University of Paris, then at Siena in the faculty of arts, was created a cardinal, and in 1276 was elected to the papal see as Pope John XXI. He specialized in medicine, and no less than seventeen treatises on medical subjects have been attributed to him. Among these are his commentaries upon the works of Isaac on *Universal Diets and Particular Diets*. Isaac's text suggests to him a thousand or more questions, which he takes up one after the other, listing authorities *pro* and *con* in the scholastic manner and then giving his own conclusions. The following are some of these questions.

Can natural death be retarded?

Is a well-balanced constitution the best preserved, or is it easily overcome by the causes of disease?

Is bad food more injurious than bad air?

Why is man less hairy and of weaker constitution than the brutes?

How can animals who eat poisons be food for men?

Does the blood alone nourish us?

How do sweet things sour on the stomach?

Should wine be drunk before or after eating, and immediately following or long afterwards?

Is water of more aid than wine in the process of assimilating food?

Why are fish not given in acute fevers?

Is humidity the formal principle of tastes?

Is fruit wholesome?

Why do some plants bear fruit twice a year?

Why does a branch cut from a plant and placed in earth live, while the severed limb of an animal will not live?

What part of water is more truly water: top, bottom, or middle?

Why in hot regions are the brutes large but the men small, and in cold countries the contrary?

Is pork better in summer?

[1] Lynn Thorndike, *A History of Magic and Experimental Science during the First Thirteen Centuries of Our Era*, New York, 1923, vol. ii, pp. 504–507. Macmillan Company.

Is meat cooked in a pie good? [1]

Why are the ears of all animals save men and apes in continual motion?

Why a small hen lays more eggs than a large one?

Are eggs or meat better for convalescents?

Why salt water fish do not have salt flesh.

Why the dolphin and whale have true blood, albeit they are fish?

Why there are larger fish in salt water than fresh?

Why the flame of fire takes the figure of a pyramid?

Why are springs hot in winter and cold in summer?

Should an interval elapse between the courses of a meal?

Should drink be taken along with one's food?

Should the heartier meal be at mid-day or in the evening?

Should fruit be plucked ripe or green?

Why is wine [2] made from apples?

Why do the boxwood, white-fir, and laurel trees retain their foliage a longer time than others?

Why is oil best at the top, honey at the bottom, wine in the middle of the cask?

Are fungi plants or something between earth and plants?

Why pepper is good for dimmed eyes?

Why the water in the sea does not grow less?

Why have birds but two feet and no teeth?

372. Roger Bacon's Forecasts [3]

Roger Bacon stands as an eminent representative of thirteenth-century science, even though no great discoveries or inventions seem to have been made by him. The following passage from a curious letter which he wrote, probably in 1252, indicates that even in Bacon's day men took an interest in mechanical devices and were already beginning to consider the possibilities of applied science.

[1] Peter replies in the negative, because the crust of the pie prevents the noxious fumes and humors of the meat from escaping in the process of cooking, but he adds, "The vulgar think otherwise."

[2] *I.e.*, cider.

[3] Roger Bacon, *Epistula de secretis operibus artis et naturæ, et de nullitate magiæ*, 4. T. L. Davis, *Roger Bacon's Letter concerning the Marvelous Power of Art and of Nature and concerning the Nullity of Magic*, Easton, Pa., 1923, pp. 26–33. Chemical Publishing Company.

Now that these matters are understood, I shall tell of certain marvels wrought through the agency of Art and of Nature, and will afterwards assign them to their causes and modes. In these there is no magic whatsoever, because, as has been said, all magical power is inferior to these works and incompetent to accomplish them. First, then, of mechanical devices.

It is possible that great ships and sea-going vessels shall be made which can be guided by one man and will move with greater swiftness than if they were full of oarsmen.

It is possible that a car shall be made which will move with inestimable speed, and the motion will be without the help of any living creature. Such, it is thought, were the *currus falcati* [1] which the ancients used in combat.

It is possible that a device for flying shall be made such that a man sitting in the middle of it and turning a crank shall cause artificial wings to beat the air after the manner of a bird's flight.

Similarly, it is possible to construct a small-sized instrument for elevating and depressing great weights, a device which is most useful in certain exigencies. For a man may ascend and descend, and may deliver himself and his companions from peril of prison, by means of a device of small weight and of a height of three fingers and a breadth of four.

It is possible also easily to make an instrument by which a single man may violently pull a thousand men toward himself in spite of opposition, or other things which are tractable.

It is possible also that devices can be made whereby, without bodily danger, a man may walk on the bottom of the sea or of a river. Alexander [the Great] used these to observe the secrets of the sea, as Ethicus the astronomer relates.

These devices have been made in antiquity and in our own time, and they are certain. I am acquainted with them explicitly, except with the instrument for flying which I have not seen. And I know no one who has seen it. But I know a wise man who has thought out the artifice. Infinite other such things can be made, as bridges over rivers without columns or supports, and machines, and unheard-of engines.

[1] Scythed chariots were used in antiquity, but they were not self-propelling.

373. A Doctor of Physic [1]

This extract is from a modernized version of Chaucer's *Prologue*.

A Doctor too of physic joined the rout;
None like him, though we searched the world about,
That is, for physic or for surgery;
For he was grounded in astronomy.[2]
He watched his patient by the planets' hours,
And natural magic lent him special powers.
When favouring planets in th' ascendant rose,
He times auspicious for his patients chose.
He knew the cause of every malady,
Were it of hot or cold, or moist or dry,
Whence came it, of what humour [3] it might be;
An excellent practitioner was he.
The cause perceived, and root of all the harm,
Anon his remedies the sick would charm.
Apothecaries would at once attend,
Electuaries and healing drugs to send;
For each of them brought other profit due;
Their friendship, it appeared, was nothing new.
Old Æsculapius his aid supplies,
And Dioscorides, and Rufus wise,
Hippocrates, Haly, and Galien,[4]
Serapion, Rhasis, and Avicen,[5]
Averroës, Damascene, and Constantine,
Bernard, and Gatisden, and Gilbertine.
As to his diet, moderate was he,
For it comprised no superfluity,
But things digestible, for nourishment.
He little study on the Bible spent.

[1] Chaucer, *Prologue*, 411–444. W. W. Skeat, *The Prologue to the Canterbury Tales*, London, 1907, pp. 20–21. Chatto and Windus.

[2] What we should now call astrology.

[3] The belief prevailed that there were four "humours" in men, *viz.*, hot, cold, moist, and dry. Diseases resulted when some humour was excessive.

[4] Galen, the Greek physician.

[5] Avicenna, the Arab physician and philosopher.

His robes were all of blue and scarlet bright,
With taffeta well lined, and linen white.
And yet he never went to great expence,
But kept his earnings by the pestilence.[1]
For gold a famous cordial supplies;
And therefore gold was precious in his eyes.

374. Law of Frederick II for Medical Practitioners [2]

The law here quoted was issued by Frederick II in 1240 or 1241. It applied to his kingdom of the Two Sicilies (Sicily and Naples), where, evidently, the art and practice of medicine had reached an advanced stage as early as the thirteenth century.

While we are bent upon making regulations for the commonweal of our loyal subjects, we keep ever under our observation the health of the individual. In consideration of the serious damage and the irreparable suffering which may occur as a consequence of the inexperience of the physicians, we decree that in future no one who claims the title of physician shall exercise the art of healing or dare to treat the ailing, except such as have beforehand, in our University of Salerno,[3] passed a public examination under a regular teacher of medicine, and been given a certificate not only by the professor of medicine, but also by one of our civil officials, which declares his trustworthiness and sufficient knowledge. This document must be presented to us, or in our absence from the kingdom to the person who remains behind in our stead, and must be followed by the obtaining of a license to practice medicine either from us or from our representative aforesaid. Violation of this law is to be punished by confiscation of goods and a year in prison for all those who in future dare to practice medicine without such permission from our authority.

Since students cannot be expected to learn medical science

[1] The Black Death of 1349.

[2] "The Earliest Modern Law for the Regulation of the Practice of Medicine," *Journal of the American Medical Association*, vol. 1 (1908), pp. 388–389.

[3] The medical school of Salerno — *civitas Hippocratica* — was the most celebrated in Europe.

unless they have previously been grounded in logic,[1] we further decree that no one be permitted to take up the study of medical science without beforehand having devoted at least three full years to the study of logic.

After three years devoted to these studies, he[2] may, if he will, proceed to the study of medicine, provided always that during the prescribed time he devotes himself also to surgery, which is a part of medicine. After this, and not before, will he be given the license to practice, provided he has passed an examination in legal form as well as obtained a certificate from his teacher as to his studies in the preceding time. After having spent five years in study, he shall not practice medicine until he has during a full year devoted himself to medical practise with the advice and under the direction of an experienced physician. . . .

Every physician given a license to practice must take an oath that he shall faithfully fulfil all the requirements of the law, and in addition, whenever it comes to his knowledge that any apothecary has for sale drugs that are of less than normal strength, he shall report him to the court, and besides he shall give his advice to the poor without asking for any compensation. A physician shall visit his patient at least twice a day, and at the wish of his patient once also at night. . . .

He[3] must not enter into any business relations with the apothecary, nor must he take any of them under his protection nor incur any money obligations in their regard. Nor must any licensed physician keep an apothecary's shop himself. Apothecaries must conduct their business with a certificate from a physician, according to the regulations and upon their own credit and responsibility, and they shall not be permitted to sell their products without having taken an oath that all their drugs have been prepared in the prescribed form, without any fraud. . . .

We decree also that the growers of plants meant for medical purpose shall be bound by a solemn oath that they shall prepare medicines scientiously, according to the rules of their art.[4]

[1] Logic at this time included a wide range of cultural studies.
[2] The student.
[3] The regularly licensed physician.
[4] A medieval Pure Drug Law.

375. The Mariner's Compass [1]

The English schoolman and man of science, Alexander Neckham, in his valuable work on the *Natures of Things* (ii, 98), which was written somewhat before 1200, has preserved to us the earliest European notice of the magnetized needle. Neckham's account is introduced in a discussion of the various causes of attractive and repulsive forces. He has no air of describing a great novelty; he merely records what seemingly was well known, at least to seamen, in his time.

The sailors, moreover, as they sail over the sea, when in cloudy weather they can no longer profit by the light of the sun, or when the world is wrapped up in the darkness of the shades of night, and they are ignorant to what point of the compass their ship's course is directed, they touch the magnet with a needle, which is whirled round in a circle until, when its motion ceases, its point looks direct to the north.

376. Geographical Lore [2]

People in the later Middle Ages were indebted for much of their information and misinformation about the natural world to the encyclopædia, *De proprietatibus rerum*, compiled by Bartholomew the Englishman between 1250 and 1260. The extracts here given from the fourteenth and fifteenth books are from a modernized version of John of Trevisa's translation.

Amazonia, women's land, is a country part in Asia and part in Europe, and is nigh to Albania, and hath that name of Amazonia, of women that were the wives of the men that were called Goths, the which men went out of the nether Scythia, and were cruelly slain, and then their wives took their husbands' armour and weapons, and resed[3] on the enemies with manly hearts, and took wreck[4] of the death of their husbands. For with dint of sword they slew all the young males, and old men, and children, and saved the females, and departed prey, and purposed to live ever

[1] Alexander Neckham, *De Naturis Rerum*, London, 1863, p. xxxiv. Edited by Thomas Wright. Rolls Series, vol. xxxiv.

[2] Robert Steele, *Mediæval Lore from Bartholomæus Anglicus*, London, 1907, pp. 82–84, 88–90, 94–96. Chatto and Windus.

[3] Rushed.

[4] Punishment.

after without company of males. And by ensample of their husbands that had alway two kings over them, these women ordained them two queens, that one hight Marsepia, and that other Lampeta, that one should travail with a host, and fight against enemies, and that other should in the mean time, govern and rule the communities. And they were made so fierce warriors in short time, that they had a great part of Asia under their lordship nigh a hundred years. . . . And as it is said, Hercules adaunted first the fierceness of them, and then Achilles. But that was more by friendship than by strength, as it is contained in deeds and doings of the Greeks, and the Amazons were destroyed and brought to death by great Alexander. . . .

Ethiopia, blue men's land, had first that name of colour of men. For the sun is nigh, and roasteth and toasteth them. And so the colour of men showeth the strength of the star, for there is continual heat. For all that is under the south pole about the west is full of mountains, and about the middle full of gravel, and in the east side most desert and wilderness: and stretcheth from the west of Atlas toward the east unto the ends of Egypt, and is closed in the south with ocean, and in the north with the river Nile. In this land be many nations with divers faces wonderly and horribly shapen. Also therein be many wild beasts and serpents, and also Rhinoceros, and the beast that hight Cameleon, a beast with many colours. Also there be cockatrices and great dragons, and precious stones be taken out of their brains, Jacinth, and Chrysophrase, Topaz, and many other precious stones be found in those parts, and cinnamon is there gathered. . . . In the wilderness there be many men wonderly shapen. Some oft curse the sun bitterly in his rising and downgoing, and they behold the sun and curse him always: for his heat grieveth them full sore. And other as Troglodites dig them dens and caves, and dwell in them instead of houses; and they eat serpents, and all that may be got; their noise is more fearful in sounding than the voice of other. Others there be which like beasts live without wedding, and dwell with women without law, and such be called Garamantes. Others go naked, and be not occupied with travail, and they be called Graphasantes. There be other that be called

Bennii, and it is said, they have no heads, but they have eyes fixed in their breasts. And there be Satyrs, and they have only shape of men, and have no manners of mankind. Also in Ethiopia be many other wonders, there be Ethiops, saith Plinius,[1] among whom all fourfooted beasts be brought forth without ears, and also elephants. . . .

And as among all countries and lands India is the greatest and most rich: so among all lands India is most wonderful. For as Pliny saith, India aboundeth in wonders. In India be many huge beasts bred, and more greater hounds than in other lands. Also there be so high trees that men may not shoot to the top with an arrow, as it is said. And that maketh the plenty and fatness of the earth and temperateness of weather, of air, and of water. Fig trees spread there so broad, that many great companies of knights may sit at meat under the shadow of one tree. Also there be so great reeds and so long that every piece between two knots beareth sometime three men over the water. Also there be men of great stature, passing five cubits in height, and they never spit, nor have never headache nor toothache, nor sore eyes, nor they be not grieved with passing heat of the sun, but rather made more hard and sad therewith. Also their philosophers that they call Gymnosophists stand in most hot gravel from the morning till evening, and behold the sun without blemishing of their eyes. Also there, in some mountains be men with soles of the feet turned backwards, and the foot also with eight toes on one foot. Also there be some with hounds' heads, and be clothed in skins of wild beasts, and they bark as hounds, and speak none other wise: and they live by hunting and fowling: and they be armed with their nails and teeth, and be full many, about six score thousand as he saith. Also among some nations of India be women that bear never child but once, and the children wax whitehaired anon as they be born. There be satyrs and other men wondrously shapen. Also in the end of East India, about the rising of Ganges, be men without mouths, and they be clothed in moss and in rough hairy things, which they gather off trees, and live commonly by odour and smell at the

[1] Pliny the Elder, the Roman encyclopædist.

nostrils. . . . Pliny rehearseth these wonders, and many other more.

377. A Condemnation of Magical Superstitions [1]

The practice of magic, mostly of the black or nefarious sort, must have been common enough in medieval England, to judge from the following extensive list of superstitions that were condemned by Bartholomew Iscanus, bishop of Exeter, 1161–1186, in his *Pœnitentiale*. The manuscript of this work is now in the British Museum.

(1) Whosoever shall strive to take away from another, and gain for himself, by any incantation or witchcraft, another's plenty of milk or honey or of other things; (2) Whosoever, ensnared by the Devil's wiles, may believe and profess that they ride with countless multitudes of others in the train of her whom the foolish vulgar call Herodias or Diana, and that they obey her behests; (3) Whosoever has prepared a table with three knives for the service of the fairies, that they may predestinate good to such as are born in the house; (4) Whosoever shall have made a vow by a tree or water, or anything save a church; (5) Whosoever shall pollute New Year's Day by magic enquiries into the future, after the pagan fashion, or who begin their works on that day, that they may prosper better than in any other year; (6) Whosoever make knots or sorceries and divers enchantments by charms of witchcraft, and hide them in the grass or in a tree or in a branching road, in order to free their beasts from murrain; (7) Whosoever shall have set his child on the house-roof or in an oven to recover its health, or for the same purpose shall have used charms or characters or anything fashioned for divination, or any artifice whatsoever save only godly prayers or the liberal art of medicine; (8) Whosoever, while gathering medicinal simples, shall have said any charm save such as are godly, as the Lord's Prayer or the Creed or suchlike; (9) Whosoever, labouring in wool or dyeing or other works, shall use charms or lay spells thereon that they may prosper; or who shall forbid the carrying away of fire or aught

[1] G. G. Coulton, *A Medieval Garner*, London, 1910, pp. 114–116. Constable and Company, Ltd.

else from his house, lest the young of his beasts perish; (10) Whosoever shall work witchcraft from a dead man's funeral or corpse or garments, lest the dead folk take some vengeance, or lest some other die in that same house, or to obtain thereby some other profit or well-being; (11) Whosoever on St. John's Day [1] shall have wrought any witchcraft to foretell the future; (12) Whosoever shall believe that good or evil comes to him from the croak of a jackdaw or raven, or from meeting a priest or any animal whatsoever; (13) Whosoever shall cast into his barn or his cellar a bow, or any other plaything soever wherewith the devils called fairies should play, that they may bring the greater plenty; (14) Whosoever, in visiting the sick, shall conceive any omen of good or evil from the motion of any stone on his outward or homeward way, or by any other sign whatsoever; (15) Whosoever shall believe that a man or woman may be changed into the shape of a wolf or other beast; (16) Whosoever shall spy out the footsteps of Christian folk, believing that they may be bewitched by cutting away the turf whereon they have trodden.

378. A Papal Decree against Alchemists [2]

John XXII issued this decretal, *Spondent pariter*, from Avignon, about 1317.

Alchemies are here prohibited and those who practise them or procure them or procure their being done are punished. They must forfeit to the public treasury for the benefit of the poor as much genuine gold and silver as they have manufactured of the false or adulterate metal. If they have not sufficient means for this, the penalty may be changed to another at the discretion of the judge, and they shall be considered criminals. If they are clerics they shall be deprived of any benefices that they hold and be declared incapable of holding others. . . .

Poor themselves, the alchemists promise riches which are not

[1] Midsummer Day, June 24, which, with the preceding eve, was a favorite time for superstitious rites.

[2] J. J. Walsh, *The Popes and Science, New York*, 1908, pp. 125–126. Fordham University Press.

forthcoming; wise also in their own conceit they fall into the ditch which they themselves have digged. For there is no doubt that the professors of this art of alchemy make fun of each other because, conscious of their own ignorance, they are surprised at those who say anything of this kind about themselves; when the truth sought does not come to them they fix on a day [for their experiment] and exhaust all their arts; then they dissimulate [their failure] so that finally, though there is no such thing in nature, they pretend to make genuine gold and silver by a sophistic transmutation; to such an extent does their damned and damnable temerity go that they stamp upon the base metal the characters of public money for believing eyes, and it is only in this way that they deceive the ignorant populace as to the alchemic fire of their furnace.

379. Occupations of the Common People [1]

The Latin *Colloquy* here translated was first composed in or about 995 by Ælfric, a scholar and clerk of Winchester, who later became abbot of Eynsham (Ensham), and was added to by his pupil, Ælfric Bata. It may be based, in part, on some older Latin original designed to teach English boys the speech of imperial Rome. The *Colloquy* presents an interesting picture of economic and social conditions in England at the close of the tenth century.

Scholar. We boys beg you, O Master, to teach us to speak Latin correctly, for we are ignorant, and we speak badly.

Master. What do you wish to talk about?

Scholar. We do not care what we talk about, as long as our speech is correct, and useful, and not foolish, or base.

Master. Are you willing to be flogged while learning?

Scholar. We would rather be flogged that we may learn, than remain ignorant, but we know that you are kindly, and that you will not lay strokes upon us, unless we oblige you to do so.

Master. I ask you what you are to talk about? What work have you?

Scholar. I am preparing to be a monk, and every day I sing

[1] S. H. Gem, *An Anglo-Saxon Abbot, Ælfric of Eynsham*, Edinburgh, 1912, pp. 183–191. T. and T. Clark.

seven times with the brethren, and I am busy with reading and singing; yet in the meantime I wish to learn to converse in the Latin language.

Master. What do these companions of yours know?

Scholar. Some are ploughboys, some shepherds, some oxherds, some also are huntsmen, some fishermen, some fowlers, some chapmen, some tailors, some salters, some bakers in the place.

Master. What do you say, Ploughboy, how do you carry on your work?

Ploughboy. O Master, I have to work far too much; I go out at dawn, driving the oxen to the field, and I yoke them to the plough; I dare not in the severest weather lie hid at home, for fear of my lord; and when I have yoked the oxen together, and fastened the ploughshare to the plough, I have to plough a whole acre every day, or more.

Master. Have you any companion?

Ploughboy. I have a boy who threatens the oxen with a goad, and he is also hoarse with the cold and his shouting.

Master. What more do you perform in the day?

Ploughboy. Certainly I do more besides that. I have to supply the mangers of the oxen with hay, and give them water, and carry their dung outside.

Master. O indeed! This is a great labour.

Ploughboy. Yes, it is a great labour that I have to fulfil, for I am not free.

Master. What do you say, Shepherd, have you any work?

Shepherd. Indeed, I have. In early morning I drive my sheep to the pastures, and I stand by them, in heat and cold, with dogs, lest the wolves should devour them, and I bring them back to their folds, and milk them twice a day, and I move their folds besides. I also make butter and cheese, and I am faithful to my lord.

Master. Oxherd, what do you work at?

Oxherd. O Master, I labour much. When the ploughman unyokes the oxen, I lead them to the pastures, and all night I stand by them watching against thieves, and then, early in the morning, I give them over to the ploughman. . . .

Master. What have you to say, Merchant?

Merchant. I maintain that I am useful to the King, and to the nobles, and to the wealthy, and to the whole people.

Master. How so?

Merchant. I go on board ship, with my merchandise. I sail to regions beyond the sea, and sell my goods, and buy valuable produce that is not made in this country, and I bring it you here. I face great dangers in crossing the ocean and sometimes I suffer shipwreck, with the loss of my goods, hardly escaping with my life.

Master. What kinds of things do you bring us?

Merchant. Purple and silk, precious stones and gold, various sorts of clothing, pigments, wine and oil, ivory, copper, brass and tin, sulphur and glass, and the like.

Master. Are you willing to sell your things just as you bought them there?

Merchant. By no means. If I did so, what good would my labour be to me? I wish to sell dearer here, than I bought there, that I may gain some profit, to keep myself, and my wife and son.

Master. You, Shoemaker, what do you produce?

Shoemaker. My craft is indeed very useful and necessary for you.

Master. How is that?

Shoemaker. I buy skins and hides, and prepare them, and make various kinds of sandals, slippers, shoes, and high boots, besides bridles, harness, and other horse trappings, halters and spurs; and also leather bottles, flasks, purses, and bags.

Master. O Salter, of what value is your craft to us?

Salter. My craft is of great value to all of you; none of you would enjoy his dinner or supper unless my craft were his entertainer.

Master. How is that?

Salter. What man would enjoy pleasant meats, without the savour of salt? Who could fill his pantry, or his storeroom without my craft? Behold, all your butter and cheese would perish, . . . and you could not use your herbs without me.

Master. What have you to say, Baker? What is the use of your craft, or can we live our life without you?

Baker. You might indeed, for a while, live your life without me, but not for long, nor well; for without my craft, every table would seem empty, and without bread all food would be distasteful. I stablish the heart of man, I am the strength of men, and even the little ones cannot pass me by.

Master. What shall we say of the Cook? Do we in any way need his craft?

Cook. If you drive me out of your society, you will have to eat your vegetables and your meat raw, and anyhow you cannot have good gravy without my craft.

Master. We do not care about your craft, nor is it necessary for us, for we can ourselves cook the things that need to be cooked, and roast what has to be roasted.

Cook. If therefore you drive me out, to do as you say, then you will all be servants, and none of you will be master, and yet without my craft you will not be able to bite your food.

Master. O Monk, who hast spoken to me already, behold I find that you have good companions, and very necessary ones, who are they?

Scholar. I have smiths, iron smiths, goldsmiths, silver smiths, brass smiths, carpenters, and many other workmen skilled in various arts.

Master. Have you any wise councillor?

Scholar. Certainly we have. How could our society be ruled if we had no councillor?

Master. What say you, Wise one? What art seems to you to hold the first place amongst all these?

Councillor. I say to thee, that the service of God holds the primary place among these arts, as we read in the Gospel — "Seek ye first the kingdom of God and His righteousness, and all these things shall be added unto you."

Master. And which do you think among secular crafts holds the first place?

Councillor. Agriculture; because the ploughman feeds us all.

380. How a Child Should Behave [1]

The Middle Ages were not without treatises on etiquette, which seem to have been almost as popular then as now. The extract below is translated from a manuscript dating from about 1500, in the Bodleian Library at Oxford.

Whoso will thrive must be courteous, and learn the virtues in his youth, or in his age he is outcast among men. Clerks who know the Seven Sciences [2] say that Courtesy came from heaven when Gabriel greeted our Lady and Elizabeth met with her; and in it are included all virtues, as all vices in rudeness.

Arise betimes from your bed, cross your breast and your forehead, wash your hands and face, comb your hair, and ask the grace of God to speed you in all your works; then go to Mass and ask mercy for all your trespasses. Say "Good morning" courteously to whomsoever you meet by the way.

When ye have done, break your fast with good meat and drink, but before eating cross your mouth, your diet will be the better for it. Then say your grace — it occupies but little time — and thank the Lord Jesus for your food and drink. Say also a *Pater Noster* and an *Ave Maria* for the souls that lie in pain, and then go labour as you are bound to do. Be not idle, for Holy Scripture says to you of Christian faith that if you work, you must eat what you get with your hands. A man's arms are for working as a birds' wings for flying. . . .

Point not with your finger at anything, nor be lief [3] to tell tidings. If any man speak well of you or of your friends, he must be thanked. Have few words and wisely placed, for so may you win a good name.

Use no swearing or falsehood in buying or selling, else shall you be shamed at the last. Get your money honestly, and keep out of debt and sin. Be eager to please, and so live in peace and quiet.

Advise you well of whom you speak, and when and where and to whom.

[1] Edith Rickert, *The Babees' Book*, London, 1908, pp. 21–25. Chatto and Windus.

[2] The "seven liberal arts" — grammar, rhetoric, logic, arithmetic, geometry, astronomy, and music.

[3] Anxious.

Whenever you come unto a door, say, "God be here," ere you go further, and speak courteously, wherever you are, to sire or dame or their household.

Stand, and sit not down to meat until you are told by him that rules the hall; and do not change your seat, but sit upright and mannerly where he bids, and eat and drink and be fellowly, and share with him that sits by you — thus teaches Dame Courtesy.

Take your salt with a clean knife.

Be cool of speech and quarrel not, nor backbite a man who is away, but be glad to speak well of all. Hear and see and say nothing, then shall ye not be put to proof.

Hold you pleased with the meat and drink set before you, nor ask for better. Wipe your mouth before you drink lest it foul the edge of the cup; and keep your fingers, your lips and your chin clean, if you would win a good name. When your meat is in your mouth, do not drink or speak or laugh — Dame Courtesy forbids. Praise your fare, wheresoever you be, for whether it be good or bad it must be taken in good part.

Whether you spit near or far, hold your hand before your mouth to hide it.

Keep your knife clean and sharp, and cleanse it on some cut bread, not on the cloth, I bid you; a courteous man is careful of the cloth. Do not put your spoon in the dish or on the edge of it, as the untaught do, or make a noise when you sup as do boys. Do not put the meat off your trencher into the dish, but get a voider and empty it into that.

When your better hands you a cup, take it with both hands lest it fall, and drink yourself and set it by; and if he speaks to you, doff your cap and bow your knee.

Do not scratch yourself at the table so that men call you a daw,[1] nor wipe your nose or nostrils, else men will say you are come of churls. Make neither the cat nor the dog your fellow at the table. And do not play with the spoon, or your trencher, or your knife; but lead your life in cleanliness and honest manners.

This book is made for young children that bide not long at

[1] Jackdaw.

school.[1] It may soon be conned and learned, and will make them good if they be bad. God give them grace to be virtuous, for so may they thrive.

381. Miracle Plays, Games, and Minstrelsy [2]

The following extract comes from *Handlyng Synne* ("Manual of Sins"), a translation made in 1303 by Robert Mannyng from a French original. The entire work is a collection of homilies, denouncing the seven deadly sins and citing many apposite illustrations of them. The sin of sloth forms the subject of discussion in the homily here quoted.

It is forbidden a clerk in orders to perform or to see miracle plays, for they are sinful gatherings and sights. He may, in church, play the resurrection, showing how God rose, and thus make men believe faithfully that Christ rose in flesh and blood, and he may play without harm the part showing how God was born in Yule night, and thus teach men to believe steadfastly that Christ was born of the Virgin Mary. If he plays parts in the streets or in groves, it seems truly a sinful sight. Saint Isidore [3] bears witness to this, for he says, "These men forsake what they accepted, — God and Christianity, when they take part in such things as miracle plays or in games or tournaments of great price." These are pomps that thou didst forsake when thou didst accept Christianity. At the font the ignorant man says, "I forsake thee, here, Satan, and all thy pomps and thy works." This is the instruction thou hast had as a clerk. Hast thou kept thy promise when thou dost take part in such performances? Thou hast broken thy covenant with God, and dost serve thy sire, Termagant.[4] Saint Isidore says in his writings, "All those who delight in seeing such things, or who lend horse or harness for them, are perilously guilty." If a priest or a clerk

[1] The inference seems to be that those who remained long enough in school would learn manners there.

[2] Martha H. Shackford, *Legends and Satires from Mediæval Literature*, Boston, 1913, pp. 119–120. Ginn and Company.

[3] Archbishop of Seville, an encyclopædist and historian (*c.* 560–636).

[4] A supposed Mohammedan deity, represented in medieval plays as brawling and turbulent.

lends a vestment which has been hallowed by the sacrament, he, more than others, is to be blamed, for he shall have the infamy which attends sacrilege, and shall be chastised as is right.

Dances, carols, and summer games bring shame in many ways; when thou dost plan to take part in these thou art slothful in God's service, and shalt be punished for thy sin.

What say you of minstrels, all of whom delight in such things? Their deeds are full of peril, and dear neither to God nor to God's house. They would rather hear of a dance or of deeds of boasting and of pride than any good of God in heaven, or other wisdom that may be named. In folly is spent all that they get, — on their dress, their drink, and their meat.

382. The Sin of Dancing [1]

Thomas of Chantimpré (in Brabant) was a very distinguished Dominican preacher, a suffragan bishop, and the author of numerous books. The one best known to medievalists is his *Bonum universale de apibus*, a treatise on virtues and vices, by analogy with the life of the bee. It appeared about 1260.

There is also a third kind of game, namely dancing. How harmful this is, St. Augustine teacheth in his book *Of the City of God*, wherein he relateth how Scipio Nasica, the most noble general of all the Romans, removed all benches from the theatre lest the citizens, who had recently triumphed in war over Carthage, the inveterate enemy of their empire, should give themselves over to dances and the sports of Venus, whereby they would become effeminate and envious one of the other, and be moved to war by their intestine discords, even when all outward wars were at an end. This is a most plain and evident token among the dancers, that they circle round towards the left (on which side the accursed goats will be set), and will therefore lose that Kingdom which shall be bestowed by the Judge upon the blessed who are set at His right hand. But if it be better (as St. Augustine truly saith) to plough on a Sunday or holy day than to dance; and if servile works, such as ploughing, are a

[1] Thomas Cantimpratanus, *Bonum universale de apibus*, ii, 49. G. G. Coulton, *A Medieval Garner*, London, 1910, p. 377. Constable and Company, Ltd.

mortal sin upon holy days, therefore it is far more sinful to dance than to plough. Yet those dances which are held at the weddings of the faithful may be partly, though not wholly, excused; since it is right for those folk thus to have the consolation of a moderate joy, who have joined together in the laborious life of matrimony. For, according to the vulgar proverb, that man is worthy to have a little bell hung with a golden chain around his neck, who hath not repented of taking a wife before the year is out.

383. London Pastimes [1]

John Stow, the antiquary, published his *Survey of London* in 1598. He knew London well, and his book will always have unique value as a description of the city in the days of Elizabeth. As an appendix to the *Survey* Stow printed William Fitzstephen's *Descriptio nobilissimæ civitatis Londoniæ*, which originally formed an introduction to that writer's biography of Thomas Becket. Fitzstephen wrote during the reign of Henry II. His graphic account of London pastimes in the twelfth century is reproduced below.

Let us now proceed to the sports of the city; since it is expedient that a city be not only an object of utility and importance, but also a source of pleasure and diversion. . . . London, instead of theatrical shows and scenic entertainments, has dramatic performances of a more sacred kind, either representations of the miracles which holy confessors have wrought, or of the passions and sufferings in which the constancy of martyrs was signally displayed.

Moreover, to begin with the sports of the boys (for we have all been boys), annually on the day which is called Shrovetide,[2] the boys of the respective schools bring each a fighting cock to their master, and the whole of that forenoon is spent by the boys in seeing their cocks fight in the school-room. After dinner, all the young men of the city go out into the fields to play at the well-known game of foot-ball. The scholars belonging to the several schools have each their ball; and the city tradesmen,

[1] John Stow, *The Survey of London*, London, 1912, pp. 506–509. Edited by H. B. Wheatley. J. M. Dent and Sons, Ltd.

[2] The Tuesday before Ash Wednesday, the beginning of Lent.

according to their respective crafts, have theirs. The more aged men, the fathers of the players, and the wealthy citizens, come on horseback to see the contests of the young men, with whom, after their manner, they participate, their natural heat seeming to be aroused by the sight of so much agility, and by their participation in the amusements of unrestrained youth. . . .

The lay-sons of the citizens rush out of the gates in crowds, equipped with lances and shields, the younger sort with pikes from which the iron head has been taken off, and there they get up sham fights, and exercise themselves in military combat. When the king happens to be near the city, most of the courtiers attend, and the young men who form the households of the earls and barons, and have not yet attained the honour of knighthood, resort thither for the purpose of trying their skill. The hope of victory animates every one. The spirited horses neigh, their limbs tremble, they champ their bits, and, impatient of delay, cannot endure standing still. . . . The young riders having been divided into companies, some pursue those that go before without being able to overtake them, whilst others throw their companions out of their course, and gallop beyond them. In the Easter holidays they play at a game resembling a naval engagement. A target is firmly fastened to the trunk of a tree which is fixed in the middle of the river, and in the prow of a boat driven along by oars and the current stands a young man who is to strike the target with his lance; if, in hitting it, he break his lance, and keep his position unmoved, he gains his point, and attains his desire: but if his lance be not shivered by the blow, he is tumbled into the river, and his boat passes by, driven along by its own motion. . . .

During the holydays in summer the young men exercise themselves in the sports of leaping, archery, wrestling, stone-throwing, slinging javelins beyond a mark, and also fighting with bucklers. Cytherea leads the dances of the maidens, who merrily trip along the ground beneath the uprisen moon. Almost on every holyday in winter, before dinner, foaming boars, and huge-tusked hogs, intended for bacon, fight for their lives, or fat bulls or immense boars are baited with dogs. When that great marsh which

washes the walls of the city on the north side is frozen over, the young men go out in crowds to divert themselves upon the ice. Some, having increased their velocity by a run, placing their feet apart, and turning their bodies sideways, slide a great way: others make a seat of large pieces of ice like mill-stones, and a great number of them running before, and holding each other by the hand, draw one of their companions who is seated on the ice: if at any time they slip in moving so swiftly, all fall down headlong together. Others are more expert in their sports upon the ice; for fitting to, and binding under their feet the shinbones of some animal, and taking in their hands poles shod with iron, which at times they strike against the ice, they are carried along with as great rapidity as a bird flying or a bolt discharged from a cross-bow. Sometimes two of the skaters, having placed themselves a great distance apart, by mutual agreement come together from opposite sides; they meet, raise their poles, and strike each other; either one or both of them fall, not without some bodily hurt; even after their fall they are carried along to a great distance from each other by the velocity of the motion; and whatever part of their heads comes in contact with the ice is laid bare to the very skull. Very frequently the leg or arm of the falling party, if he chance to light upon either of them, is broken. But youth is an age eager for glory and desirous of victory, and so young men engage in counterfeit battles, that they may conduct themselves more valiantly in real ones. Most of the citizens amuse themselves in sporting with merlins, hawks, and other birds of a like kind, and also with dogs that hunt in the woods.

384. Florentine Fashions [1]

Sacchetti (*c.* 1335–*c.* 1400) was a Florentine poet of some merit and a story teller of real ability. His *Tales* are supposed to have numbered three hundred; two hundred and twenty-three have survived, not all of them complete. They throw much light on the life of Florence — its manners and customs, superstitions and beliefs — in the fourteenth century.

[1] Franco di Benci Sacchetti, *Novelle*, clxxviii. Mary G. Steegmann, *Tales from Sacchetti*, London, 1908, pp. 200–202. J. M. Dent and Sons, Ltd.

How many fashions have been altered in my time by the changeableness of those persons now living, and especially in mine own city! Formerly the women wore their bodices cut so open that they were uncovered to beneath their armpits! Then, with one jump, they wore their collars right up to their ears! And these are all outrageous fashions. I, the writer, could recite as many more of the customs and fashions which have been changed in my days as would fill a book as large as this whole volume. But although they were constantly changing in this city of ours, they were not invariable either in most of the other great cities of the world. And although formerly the Genoese never altered the fashion of their dress, and neither the Venetians nor the Catalans altered theirs, nor did their women either, nowadays it seemeth to me that the whole world is united in having but little firmness of mind; for the men and women of Florence, Genoa, Venice, Catalonia, indeed of all the Christian world, go dressed in the same manner, not being able to distinguish one from another. And would to Heaven they all remained fixed upon the same manner, but quite the contrary! For if one jay do but appear with a new fashion, all the world doth copy it. So that the whole world, but most especially Italy, is variable and hastens to adopt the new fashions.

The young maidens, who used to dress with so much modesty, have now raised the hanging ends of their hoods and have twisted them into caps, and they go attired like common women, wearing caps, and collars and strings round their necks, with divers kinds of beasts hung upon their breasts. And what more wretched, dangerous, and useless fashion ever existed than that of wearing such sleeves as they do, or great sacks, as they might rather be called? They cannot raise a glass or take a mouthful without soiling both their sleeves and the table-cloth by upsetting the glasses on the table. Likewise do youths wear these immense sleeves, but still worse is it when even sucklings are dressed in them. The women wear hoods and cloaks. The young men for the most part go without cloaks and wear their hair long; they need but divest themselves of their breeches and they will then have left off everything they can, and truly these

are so small that they could easily do without them. They put their legs into tight socks and upon their wrists they hang a yard of cloth; they put more cloth into the making of a glove than into a hood. Perchance they will thereby all do penance for their many vanities. For whoever liveth but one day in this world changeth his fashions a thousand times; each one seeketh liberty and yet depriveth himself of it. The Lord created our feet free, yet many persons are unable to walk on account of the long points of their shoes. He created legs with joints, but many have so stiffened them with strings and laces that they can scarcely sit down; their bodies are drawn in tightly, their arms are burdened with a train of cloth, their necks are squeezed into their hoods and their heads into a sort of nightcap, whereby all day they feel as though their heads were being sawn off. Truly there would be no end to describing the women's attire, considering the extravagance of their dress from their feet up to their heads, and how every day they are up on the roofs, some curling their hair, some smoothing it, and some bleaching it, so that often they die of the colds they catch!

PART IV

MODERN EUROPE AND AMERICA

SECTION XXI

DEMOCRACY AND NATIONALISM

385. Union of Utrecht[1]

Modern democracy is constitutional in form. There is generally a written constitution, of a more or less liberal type, to guarantee the rights of the people. The first document of this sort for any country was the Union of Utrecht (1579), by which the northern provinces of the Netherlands, where Dutch was the language and Protestantism the religion, bound themselves together, "as if they were one province alone," to maintain their liberties with "life, goods, and blood" against Spain. This famous compact was the work of John, count of Nassau, brother of William the Silent. The first three Articles are quoted below.

And firstly, that the aforesaid Provinces shall unite, bind, and confederate one with the other, as they unite, bind, and confederate with these, and stand for ever by the others, in all ways and manners as if they were one Province alone, without the same being able at any time to separate, allow to separate, or recede by testament, codicil, donation, cession, exchange, sale, treaties of peace, by marriage, or forsake for any other cause, however it may happen, without prejudice, however, to any single Province, and the particular cities, fiefs and inhabitants thereof, and their special and particular privileges, freedoms, exemptions, laws, statutes, laudable and ancient customs, usages, and all other rights whatever, wherein they shall not only do to the other no prejudice, let or hindrance, but shall rather therein help, support, and strengthen by all fit and possible means, even, if need is, with life and with property, and also protect against all and several, how and wherever they may happen to be, who may desire to make therein any violent invasions and encroachments: it being well understood any question which any of the aforesaid Provinces, fiefs, or cities, belong-

[1] Emil Reich, *Select Documents Illustrating Mediæval and Modern History*, London, 1905, pp. 606–607. P. S. King and Son, Ltd.

ing to this Union, has with other Provinces, or shall hereafter come to have, concerning their particular and special privileges, liberties, exemptions, laws, statutes, laudable and ancient customs, usages and other rights, that they shall be decided by ordinary justice, arbitrators or amicable accord.

Item, that the said Provinces, in conformity with and fulfilment of the said unity and league, shall be required to aid one another with life, goods and blood against all violences or forceful acts which any one may inflict upon them, and under the cover of the name of His Majesty the King,[1] or on his behalf, on account of the treaty of peace of Ghent; or because they have taken arms against Don Juan of Austria; or for having received the Archduke Matthias as Governor, with everything that was connected therewith, or ensued thereon or may in time to come ensue; or whether under colour or pretext of the Catholic Roman religion, to establish and introduce the same by force of arms; or on account of some novelties or alteration which have been introduced in some of the said Provinces, cities and dependencies thereof, since the year 1558; or on account of this present union and confederation; or for any other reason or cause, as well in the case of these violences and encroachments being practised and perpetrated on one of these Provinces, states, cities, dependencies thereof, singly or against all of them generally.

That the said Provinces be required in like manner to assist, help and defend one another against all foreign and native sovereigns, monarchs, princes, lands, provinces, cities or dependencies thereof, who should attempt to inflict upon them in general or particular any violence or forceful deed or suchlike, or to make war. Provided that the assistance be decreed by the generality of this Union with knowledge as the occasion requires.

386. Act of Abjuration [2]

The political compact known as the Union of Utrecht did not imply any formal secession of the northern Netherlands from Spain. This

[1] Philip II, king of Spain.

[2] (Lord) Somers, *A Collection of Scarce and Valuable Tracts* (Second Edition), London, 1809–1815, vol. i, pp. 323–324, 327–328. Edited by Sir Walter Scott.

was effected in 1581. Philip II had published a ban proclaiming the Dutch leader, William the Silent, a traitor and a miscreant and offering a reward for his assassination. William's answer to the Spanish king was the Act of Abjuration, by which the representatives of the northern provinces, assembled in the States-General at The Hague, declared that Philip had forfeited his sovereignty over them and that they held themselves henceforth absolved from allegiance to him. Just as the Union of Utrecht may be regarded as the first written constitution of a modern state, so the Act of Abjuration may be considered the first declaration of independence on the part of a modern people.

As 'tis apparent to all, that a prince is constituted by God to be ruler of a people, to defend them from oppression and violence, as the shepherd his sheep; and whereas God did not create the people slaves to their prince, to obey his commands, whether right or wrong, but rather the prince for the sake of the subjects (without which he could be no prince), to govern them according to equity, to love and support them as a father his children, or a shepherd his flock, and even at the hazard of life to defend and preserve them. And when he does not behave thus, but, on the contrary, oppresses them, seeking opportunities to infringe their ancient customs and privileges, exacting from them slavish compliance, then he is no longer a prince, but a tyrant, and the subjects are to consider him in no other view. And particularly when this is done deliberately, unauthorized by the States,[1] they may not only disallow his authority, but legally proceed to the choice of another prince for their defence.

This is the only method left for subjects, whose humble petitions and remonstrances could never soften their prince, or dissuade him from his tyrannical proceedings; and this is what the law of nature dictates for the defence of liberty, which we ought to transmit to posterity, even at the hazard of our lives; and this we have seen done frequently in several countreys, upon the like occasion, whereof there are notorious instances, and more justifiable, in our land, which has been always governed according to their antient privileges, which are expressed in the oath taken by the prince at his admission to the government; for most of the Provinces receive their prince upon certain condi-

[1] *I.e.*, the States-General, or Parliament.

tions, which he swears to maintain, which, if the prince violates, he is no longer sovereign. Now thus it was with the king of Spaine [1] after the demise of the emperor his father, Charles the Fifth, of glorious memory (of whom he received all these Provinces). . . .

Notwithstanding these discouragements, we used all possible means, by petitions in writing, and the good offices of the greatest princes in Christendom, to be reconciled to our king. . . . At last we found by experience that nothing would be obtained of the king by prayers and treaties, which latter he made use of to divide and weaken the Provinces, that he might the easier execute his plan rigorously, by subduing them one by one, which afterwards plainly appeared by certain proclamations and proscriptions published by the king's orders, by vertue of which we and all officers and inhabitants of the United Provinces, with all our friends, are declared rebells, and as such, to have forfeited our lives and estates; thus, by rendering us odious to all, he might interrupt our commerce, likewise reducing us to dispaire, offering a great summe to any that would assassinate the Prince of Orange. So having no hope of reconciliation, and finding no other remedy, we have, agreeable to the law of nature, in our own defence, and for maintaining the rights, privileges, and libertys of our countreymen, wives, and children, and latest posterity, from being enslaved by the Spaniards, been constrained to renounce allegiance to the king of Spain, and pursue such methods as appear to us most likely to secure our ancient liberties and privileges.

Know all men by these presents, that, being reduced to the last extremity, as above-mentioned, we have unanimously and deliberately declared, and do by these presents declare, that the King of Spain has forfeited, *ipso jure*, all hereditary right to the sovereignty of those countreys, and are determined from henceforward not to acknowledge his sovereignty or jurisdiction, nor any act of his relating to the domains of the Low Countreys, nor make use of his name as prince, nor suffer others to do it. In consequence whereof we also declare all officers, judges, lords,

[1] Philip II.

gentlemen, vassals, and all other the inhabitants of this countrey of what condition or quality soever, to be henceforth discharged from all oaths and obligations whatsoever made to the king of Spain, as sovereign of those countreys.

387. Privileges of the House of Commons[1]

The notions as to divine right cherished by James I almost immediately encountered the opposition of the House of Commons, whose leaders considered the royal authority to be strictly limited by Parliament. The issue was joined as early as 1604, when the Commons drew up a respectful, but clear and emphatic, Form of Apology and Satisfaction for presentation to the king. Whether it was presented, or not, is unknown. Some significant paragraphs are the following:

From these misinformed Positions (most gracious Sovereign) the greatest Part of our Troubles, Distrusts, and Jealousies have risen; having apparently found that in the first Parliament of the happy Reign of your Majesty, the Privileges of our House, and therein the Liberties and Stability of the whole Kingdom, have been more universally and dangerously impugned than ever (as we suppose), since the Beginnings of Parliaments. . . .

First, The Freedom of Persons in our Election hath been impeached. Secondly, The Freedom of our Speech prejudiced by often Reproofs. Thirdly, Particular Persons noted with Taunt and Disgrace who have spoken their Consciences in Matters proposed to the House, but with all due Respect and Reverence to your Majesty. . . .

What Cause we your poor Commons have to watch over our Privileges, is manifest in itself to all Men. The Prerogatives of Princes may easily, and do daily grow. The Privileges of the Subject are for the most Part at an everlasting stand. They may be by good Providence and Care preserved, but being once lost are not recovered but with much Disquiet. . . . Thus much touching the Wrong done to your Majesty by Misinformation touching our Privileges.

[1] William Petyt, *Jus Parliamentarium*, London, 1739, pp. 231–233.

388. Petition of Right [1]

Charles I, almost immediately upon succeeding to the throne, began to quarrel with his subjects. He twice dissolved Parliament, levied forced loans, arbitrarily imprisoned those who refused to make such loans, and otherwise played the tyrant. When Charles's third Parliament met in 1628, it at once began the consideration of these grievances. The king attempted to satisfy his opponents by a simple confirmation of Magna Carta, such as had been often issued, and often disregarded, by former monarchs. Parliament refused to be cajoled, however, and under the leadership of Sir Edward Coke passed the Petition of Right. The king ratified it, much against his will, in order to obtain a grant of money from the legislature. This statute, which has the form of a petition, was the first important restriction on the powers of the Crown since the accession of the Tudor dynasty. The concluding paragraphs of the document are here quoted.

They do therefore humbly pray your Most Excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained; and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the foresaid commissions for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.

All which they most humbly pray of your Most Excellent Majesty, as their rights and liberties according to the laws and statutes of this realm: and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the

[1] *Statutes of the Realm*, 3 Charles I, cap. 1. S. R. Gardiner, *The Constitutional Documents of the Puritan Revolution, 1625–1660* (Third Edition), Oxford, 1906, pp. 69–70. Clarendon Press.

prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example: and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.[1]

389. Abolition of the Kingship [2]

The execution of Charles I in 1649 was quickly followed by Acts abolishing the office of king and the House of Lords. These measures were the work of the so-called "Rump," consisting of those members of the House of Commons who belonged to the extreme Puritan sect of Independents and followed Oliver Cromwell.

And whereas it is and hath been found by experience, that the Office of a King in this Nation and Ireland, and to have the power thereof in any single person, is unnecessary, burthensom and Dangerous to the liberty, safety and publique interest of the people, and that for the most part, use hath been made of the Regal power and prerogative, to oppress, and impoverish and enslave the Subject; and that usually and naturally any one person in such power, makes it his interest to incroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the Laws, that so they might enslave these kingdoms to their own Lust; Be it therefore Enacted and Ordained by this present Parliament, and by Authority of the same, That the Office of a King in this Nation, shall not henceforth reside in, or be exercised by any one single person; and that no one person whatsoever, shall or may have, or hold the Office, Stile, Dignity, Power or Authority of

[1] To this petition Charles I replied as follows: "The King willeth that right be done according to the laws and customs of the realm; and that the statutes be put into due execution, that his subjects may have no cause to complain of any wrong or oppressions, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative."

[2] Henry Scobell, *A Collection of Acts and Ordinances of General Use, Made in the Parliament*, London, 1658, pt. ii, p. 7.

King of the said Kingdoms and Dominions, or any of them, or of the Prince of Wales, Any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

390. England a Commonwealth [1]

The "Rump" passed in 1649 the Act quoted below, by which England became a national republic, or Commonwealth, the first in the history of the world.

Be it Declared and Enacted by this present Parliament, and by the authority of the same, That the People of England, and of all the Dominions and Territories thereunto belonging, are and shall be, and are hereby Constituted, Made, Established and Confirmed, to be a Common-wealth and Free-State: And shall from henceforth be Governed as a Common-wealth and Free-State, by the Supreme Authority of this Nation, the Representatives of the People in Parliament, and by such as they shall appoint and constitute as Officers and Ministers under them for the good of the People, and that without any King or House of Lords.

391. Instrument of Government [2]

This document was drawn up in 1653 by some of Cromwell's army officers, and with his sanction, to provide a constitutional framework for the Protectorate, which supplanted the short-lived Commonwealth. Under the Instrument Cromwell was to serve as Lord Protector for life, but his authority was to be limited by Parliament and by a Council of State, and his acts could be reviewed by the courts. Cromwell for some time tried to rule in accordance with it, until the growing difficulties of his position led him to adopt a more arbitrary policy. The Instrument is notable as the only written constitution which England has ever had in actual operation. It is also of extreme interest as the first example of a constitution which attempts to mark off strictly the powers of the legislative and executive departments. The following Articles contain its most essential provisions.

[1] Henry Scobell, *A Collection of Acts and Ordinances of General Use, Made in the Parliament*, London, 1658, pt. ii, p. 30.

[2] William Cobbett, *The Parliamentary History of England*, London, 1806–1820, vol. iii, coll. 1417–1426.

1. That the supreme legislative authority of the Commonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging, shall be and reside in one Person, and the people assembled in Parliament; the style of which person shall be the Lord Protector of the Commonwealth of England, Scotland, and Ireland.

8. That neither the Parliament to be next summoned, nor any successive Parliaments, shall, during the time of five months, to be accounted from the day of their first meeting, be adjourned, prorogued, or dissolved, without their own consent.

24. That all Bills agreed unto by the Parliament, shall be presented to the Lord Protector for his consent; and in case he shall not give his consent thereto within twenty days after they shall be presented to him, or give satisfaction to the Parliament within the time limited, that then, upon declaration of the Parliament that the Lord Protector hath not consented nor given satisfaction, such Bills shall pass into and become laws, although he shall not give his consent thereunto; provided such Bills contain nothing in them contrary to the matters contained in these presents.

32. That the office of Lord Protector over these nations shall be elective and not hereditary; and upon the death of the Lord Protector, another fit person shall be forthwith elected to succeed him in the Government; which election shall be by the Council. . . .[1] Provided that none of the children of the late King, nor any of his line or family, be elected to be Lord Protector or other Chief Magistrate over these nations, or any [of] the dominions thereto belonging. And until the aforesaid election be past, the Council shall take care of the Government, and administer in all things as fully as the Lord Protector, or the Lord Protector and Council are enabled to do.

33. That Oliver Cromwell, Captain-General of the forces of England, Scotland and Ireland, shall be, and is hereby declared to be, Lord Protector of the Commonwealth of England, Scotland and Ireland, and the dominions thereto belonging, for his life.

[1] The Lord Protector was to be assisted by a Council of sixteen members. Their names are given in the Instrument (Article 25).

41. That every successive Lord Protector over these nations shall take and subscribe a solemn oath, in the presence of the Council, and such others as they shall call to them, that he will seek the peace, quiet and welfare of these nations, cause law and justice to be equally administered; and that he will not violate or infringe the matters and things contained in this writing, and in all other things will, to his power and to the best of his understanding, govern these nations according to the laws, statutes and customs thereof.

42. That each person of the Council shall, before they enter upon their trust, take and subscribe an oath, that they will be true and faithful in their trust, according to the best of their knowledge; and that in the election of every successive Lord Protector they shall proceed therein impartially, and do nothing therein for any promise, fear, favour or reward.

392. Habeas Corpus Amendment Act [1]

The right to the writ of *habeas corpus* had long been recognized by the Common Law, but prior to 1679 it was, under various pleas and excuses, often wholly nullified. The celebrated Act passed during the reign of Charles II, by making the remedies against arbitrary imprisonment short, certain, and easily obtainable, gave statutory authority and definition to the Common Law writ. The chief defect in the Act, in failing to fix a limit on the amount of bail to be demanded, was removed a few years later by the Bill of Rights, which declared that "excessive bail ought not to be required." The Act in its original form applied only to the detention of persons charged with crime, but by a statute passed in 1812 it was made applicable to other cases of unjust imprisonment. As thus modified, it has become the basis of all legislation on the subject throughout the English-speaking world. The first two clauses are reproduced below.

Whereas great delays have been used by sheriffs, gaolers, and other officers, to whose custody any of the King's subjects have been committed for criminal or supposed criminal matters, in making returns of writs of Habeas Corpus to them directed, by

[1] *Statutes of the Realm*, 31 Charles II, cap. 2. C. G. Robertson, *Select Statutes, Cases, and Documents to Illustrate English Constitutional History, 1660–1832* (Second Edition), London, 1913, p. 93. Methuen and Company, Ltd.

standing out an Alias and Pluries Habeas Corpus,[1] and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the King's subjects have been, and hereafter may be long detained in prison, in such cases where by law they are bailable, to their great charges and vexation;

For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority thereof, That whensoever any person or persons shall bring any Habeas Corpus directed unto any sheriff or sheriffs, gaoler, minister, or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison with any of the under officers, under keepers, or deputy of the said officers or keepers, that the said officer or officers, his or their under officers, under keepers, or deputies, shall, within three days after the service thereof as aforesaid, (unless the commitment aforesaid were for treason or felony, plainly or specially expressed in the warrant of commitment) . . . make return of such writ; and bring, or cause to be brought, the body of the party so committed or restrained, unto or before the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto or before such other person or persons before whom the said writ is made returnable, according to the command thereof; and shall then likewise certify the true causes of his detainer or imprisonment.

[1] An *alias* writ is a second writ issued after a previous writ has been issued without effect. A *pluries* writ is one issued after the first writ and an *alias* writ have failed of effect.

393. A Declaration of Rebellion [1]

James II, who came to the throne in 1685, upon the death of Charles II, had a short reign. He lacked the attractive personality which had made his brother Charles a popular ruler; moreover, he was an avowed Roman Catholic and a staunch believer in the divine right of kings. James soon managed to make enemies of his Protestant subjects by "suspending" the laws against Roman Catholics and by appointing them to positions of authority and influence. He also dismissed Parliament. Englishmen might have tolerated James to the end of his reign (he was then nearing sixty), in the hope that he would be succeeded by his Protestant daughter Mary. The birth in 1688 of a son to his Roman Catholic second wife changed the whole situation by opening up the prospect of a Roman Catholic succession to the throne. A number of Whig and Tory leaders now invited William Prince of Orange, stadholder or governor-general of Holland and Mary's husband, to rescue England from Stuart despotism. William accepted the invitation, landed in England with a small army, and marched unopposed to London. James fled to France, and Parliament, declaring that his flight was equivalent to abdication, offered the Crown in joint sovereignty to William and Mary. The following Declaration of the Nobility, Gentry, and Commonalty was drawn up at Nottingham, in November, 1688, shortly after William reached England.

We the Nobility, Gentry, and Commonalty of these Northern Counties assembled together at Nottingham, for the defence of the Laws, Religion, and Properties, according to those free-born Liberties and Priviledges, descended to us from our Ancestors, as the undoubted Birth-right of the Subjects of this Kingdom of England, (not doubting but the Infringers and Invaders of our Rights will represent us to the rest of the Nation in the most malicious dress they can put upon us) do here unanimously think it our Duty to declare to the rest of our Protestant Fellow-Subjects the Grounds of our present Undertaking.

We are by innumerable Grievances made sensible, that the very Fundamentals of our Religion, Liberties, and Properties are about to be rooted out by our late Jesuitical Privy-Council, as hath been of late too apparent. 1. By the King's dispensing with all the Establish'd Laws at his pleasure. 2. By displacing

[1] *A Second Collection of Papers relating to the Present Juncture of Affairs in England*, London, 1688, No. 5, pp. 29–30.

all Officers out of all Offices of Trust and Advantage, and placing others in their room that are known Papists, deservedly made incapable by the Establish'd Laws of our Land. 3. By destroying the Charters of most Corporations in the Land. 4. By discouraging all persons that are not Papists, preferring such as turn to Popery. 5. By displacing all honest and conscientious Judges, unless they would, contrary, to their Consciences, declare that to be Law which was meerly arbitrary. 6. By branding all Men with the name of Rebels that but offered to justify the Laws in a legal Course against the arbitrary proceedings of the King, or any of his corrupt Ministers. 7. By burthening the Nation with an Army, to maintain the violation of the Rights of the Subjects. 8. By discountenancing the Establish'd Reformed Religion. 9. By forbiding the Subjects the benefit of Petitioning, and construing them Libellers, so rendring the Laws a Nose of Wax, to serve their Arbitrary Ends. And many more such like, too long here to enumerate.

We being thus made sadly sensible of the Arbitrary and Tyrannical Government that is by the influence of Jesuitical Counsels coming upon us, do unanimously declare, That not being willing to deliver our Posterity over to such a condition of Popery and Slavery, as the aforesaid Oppressions inevitably threaten; we will, to the utmost of our Power, oppose the same, by joining with the Prince of Orange (whom we hope God Almighty hath sent to rescue us from the Oppressions aforesaid) will use our utmost Endeavours for the recovery of our almost ruin'd Laws, Liberties, and Religion; and herein we hope all good Protestant Subjects will with their Lives and Fortunes be assistant to us, and not be bugbear'd with the opprobrious Terms of Rebels, by which they would fright us, to become perfect Slaves to their tyrannical Insolencies and Usurpations; for we assure our selves, that no rational and unbyassed Person will judg it Rebellion to defend our Laws and Religion, which all our Princes have sworn at their Coronations: Which Oath, how well it hath been observed of late, we desire a Free Parliament may have the consideration of.

We own it Rebellion to resist a King that governs by Law, but

he was always accounted a Tyrant that made his Will the Law; and to resist such an one, we justly esteem no Rebellion, but a necessary Defence; and in this Consideration we doubt not of all honest Mens Assistance, and humbly hope for, and implore the great God's Protection, that turneth the Hearts of his People as pleaseth him best; it having been observed, That People can never be of one Mind without his Inspiration, which hath in all Ages confirmed that Observation, *Vox Populi est Vox Dei.*

394. Bill of Rights [1]

The Parliament which offered the Crown to William and Mary in February, 1689, accompanied its offer by a formal declaration of the unconstitutional acts of James II, the deposed king. In October of the same year the declaration was amplified and amended and was then passed by Parliament as the Bill of Rights. This celebrated statute affirmed and strengthened the principles of political liberty already formulated in Magna Carta and the Petition of Right. To it no additions of equal importance have been made, except those of the Act of Settlement of 1701. Many clauses of the Bill of Rights reappear, almost unchanged, in the first ten Amendments to the Constitution of the United States. Only part of Article I is reproduced below.

And whereas the said late King James II having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal and diverse principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports for the choosing of such persons to represent them as were of right to be sent to Parliament to meet and sit at Westminster upon the two-and-twentieth day of January in the year one thousand six hundred eighty and eight[2] in order to such an establishment as that

[1] *Statutes of the Realm*, 1 William and Mary, Sess. 2, cap. 2. D. J. Medley, *Original Illustrations of English Constitutional History*, London, 1910, pp. 288–297. Methuen and Company, Ltd.

[2] In New Style, February 1, 1689.

their religion, laws, and liberties might not again be in danger of being subverted; upon which letters elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal and Commons pursuant to their respective letters and elections being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare: —

1. That the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes and all other Commissions and Courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown by pretence of prerogative without consent of Parliament for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning, are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace unless it be with consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.

8. That election of members of Parliament ought to be free.

9. That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned,

and jurors which pass upon men in trials for high treason, ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

13. And that for redress of all grievances and for the amending, strengthening and preserving of the laws Parliament ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

395. Act of Settlement[1]

William III was childless, and his sister-in-law, Anne, lost her last surviving child in 1701. As the Bill of Rights had fixed the succession no further than Anne's descendants, Parliament found it now necessary to pass the statute called the Act of Settlement. It prescribed that, in case of the death of both William and Anne without heirs, the Crown should go to Sophia, electress of Hanover, and her descendants. She was the granddaughter of James I and the nearest Protestant member of the Stuart house. By this arrangement Parliament excluded a number of still nearer representatives of the British royal family, because they were Roman Catholics. The Act of Settlement not only fixed the succession, but also imposed additional restrictions upon a British sovereign. These are set forth in the third and fourth Articles here quoted.

3. And whereas it is requisite and necessary that some further Provision be made for securing our Religion Laws and Liberties from and after the Death of His Majesty and the Princess Ann of Denmark and in Default of Issue of the Body of the said Princess and of his Majesty respectively, Be it enacted by the

[1] *Statutes of the Realm*, 12 and 13 William III, cap. 2. C. G. Robertson, *Select Statutes, Cases, and Documents to Illustrate English Constitutional History, 1660–1832* (Second Edition), London, 1913, pp. 155–156. Methuen and Company, Ltd.

King's most excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the Authority of the same.

That whosoever shall hereafter come to the Possession of this Crown shall join in Communion with the Church of England as by Law established.

That in case the Crown and Imperial Dignity of this Realm shall hereafter come to any Person not being a Native of this Kingdom of England this Nation be not obliged to engage in any War for the Defence of any Dominions or Territories which do not belong to the Crown of England without the consent of Parliament.

That no Person who shall hereafter come to the possession of the Crown shall go out of the Dominions of England Scotland and Ireland without the consent of Parliament.

That from and after the Time that the further Limitation by this Act all Matters and Things relating to the well governing of this Kingdom which are properly cognizable in the Privy Council by the Laws and Customs of this Realm shall be transacted there and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.

That after the said Limitation shall take Effect as aforesaid no Person born out of the Kingdoms of England Scotland or Ireland or the Dominions thereunto belonging (although he be naturalized and made a Denizen) (except such as are born of English parents) shall be capable to be of the Privy Council or a Member of either House of Parliament or enjoy any Office or Place of Trust either Civil or Military or to have any Grant of Lands Tenements or Hereditaments from the Crown to himself or to any other or others in trust for him.

That no Person who has an Office or Place or Profit under the King or receives a Pension from the Crown shall be capable of serving as a member of the House of Commons.

That after the said Limitation shall take Effect as aforesaid Judges Commissions be made *Quam diu se bene Gesserint* [1] and

[1] "As long as they shall properly perform their duties."

their Salaries ascertained and established but upon the Address of both Houses of Parliament it may be lawful to remove them.

That no Pardon under the Great Seal of England be pleadable to an Impeachment by the Commons in Parliament.

4. And whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this Realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same, The said Lords Spiritual and Temporal and Commons do therefore further humbly pray That all the Laws and Statutes of this Realm for securing the established Religion and Rights and Liberties of the People thereof and all other Laws and Statutes of the same now in Force may be ratified and confirmed. And the same are by His Majesty by and with the Advice and Consent of the said Lords Spiritual and Temporal and Commons and by the Authority of the same ratified and confirmed accordingly.

396. First Petition of the United Chartists [1]

The movement called Chartism arose in Great Britain as a consequence of the failure of the Reform Act of 1832 to give the ballot to the working classes. The nature of the movement is well set forth in the following document. It was drawn up by the Council of the Birmingham Union and was presented to the House of Commons in 1839. The petition contains five of the so-called Six Points of the petition presented in 1848. The sixth point — equal electoral districts — was omitted, perhaps because it was considered a corollary of universal suffrage. The Chartists demanded political, not economic, reforms; they wanted Great Britain to be a truly democratic country. The enfranchisement of the masses was regarded as the necessary preliminary step to the amelioration of their condition. The only Chartist proposal which has not been subsequently incorporated in legislation was that for annual Parliaments. The maximum length of any Parliament, however, is now limited to five years.

It was the fond expectation of the friends of the people that a remedy for the greater part, if not for the whole of their grievances, would be found in the Reform Act of 1832. They

[1] R. G. Gammage, *History of the Chartist Movement*, Newcastle-on-Tyne, 1894, pp. 87–90.

regarded that Act as a wise means to a worthy end, as the machinery of an improved legislation, where the will of the masses would be at length potential. They have been bitterly and basely deceived. The fruit which looked so fair to the eye, has turned to dust and ashes when gathered. The Reform Act has effected a transfer of power from one domineering faction to another, and left the people as helpless as before. Our slavery has been exchanged for an apprenticeship to liberty, which has aggravated the painful feelings of our social degradation, by adding to them the sickening of still deferred hope. We come before your honourable house to tell you, with all humility, that this state of things must not be permitted to continue. That it cannot long continue, without very seriously endangering the stability of the throne, and the peace of the kingdom, and that if, by God's help, and all lawful and constitutional appliances, an end can be put to it, we are fully resolved that it shall speedily come to an end. We tell your honourable house, that the capital of the master must no longer be deprived of its due profit; that the labour of the workman must no longer be deprived of its due reward. That the laws which make food dear, and the laws which make money scarce, must be abolished. That taxation must be made to fall on property, not on industry. That the good of the many, as it is the only legitimate end, so must it be the sole study of the government.

As a preliminary essential to these and other requisite changes — as the means by which alone the interests of the people can be effectually vindicated and secured, we demand that those interests be confided to the keeping of the people. When the State calls for defenders, when it calls for money, no consideration of poverty or ignorance can be pleaded in refusal or delay of the call. Required, as we are universally, to support and obey the laws, nature and reason entitle us to demand that in the making of the laws the universal voice shall be implicitly listened to. We perform the duties of freemen; we must have the privileges of freemen. Therefore, we demand universal suffrage. The suffrage, to be exempt from the corruption of the wealthy and the violence of the powerful, must be secret. The assertion

of our right necessarily involves the power of our uncontrolled exercise. We ask for the reality of a good, not for its semblance, therefore we demand the ballot. The connection between the representatives and the people, to be beneficial, must be intimate. The legislative and constituent powers, for correction and for instruction, ought to be brought into frequent contact. Errors which are comparatively light, when susceptible of a speedy popular remedy, may produce the most disastrous effects when permitted to grow inveterate through years of compulsory endurance. To public safety, as well as public confidence, frequent elections are essential. Therefore, we demand annual parliaments. With power to choose, and freedom in choosing, the range of our choice must be unrestricted. We are compelled by the existing laws, to take for our representatives men who are incapable of appreciating our difficulties, or have little sympathy with them; merchants who have retired from trade and no longer feel its harassings; proprietors of land who are alike ignorant of its evils and its cure; lawyers by whom the notoriety of the senate is courted only as a means of obtaining notice in the courts. The labours of a representative who is sedulous in the discharge of his duty are numerous and burdensome. It is neither just, nor reasonable, nor safe, that they should continue to be gratuitously rendered. We demand that in the future election of members of your honourable house, the approbation of the constituency shall be the sole qualification, and that to every representative so chosen, shall be assigned out of the public taxes, a fair and adequate remuneration for the time which he is called upon to devote to the public service.

The management of this mighty kingdom has hitherto been a subject for contending factions to try their selfish experiments upon. We have felt the consequences in our sorrowful experience. Short glimmerings of uncertain enjoyment, swallowed up by long and dark seasons of suffering. If the self-government of the people should not remove their distresses, it will, at least, remove their repinings. Universal suffrage will, and it alone can, bring true and lasting peace to the nation; we firmly believe that it will also bring prosperity. May it therefore

please your honourable house, to take this our petition into your most serious consideration, and to use your utmost endeavours, by all constitutional means, to have a law passed, granting to every male of lawful age, sane mind, and unconvicted of crime, the right of voting for members of parliament, and directing all future elections of members of parliament to be in the way of secret ballot, and ordaining that the duration of parliament, so chosen, shall in no case exceed one year, and abolishing all property qualifications in the members, and providing for their due remuneration while in attendance on their parliamentary duties.

397. "What is the Third Estate?" [1]

The Estates-General which Louis XVI convened in 1789, to remedy the desperate condition of the national finances, included some twelve hundred members, about half of them belonging to the Third Estate. This body possessed two very competent leaders in Count Mirabeau and the Abbé Sieyès. The former belonged by birth and the latter by office to the privileged classes, but both had accepted election as representatives of the Third Estate. Sieyès, a cleric more devoted to politics than to theology, had in 1788 stirred Frenchmen by his celebrated pamphlet *Qu'est-ce que le Thiers-État?*

Public functions may be classified equally well, in the present state of affairs, under four recognized heads; the sword, the robe, the church and the administration. It would be superfluous to take them up one by one, for the purpose of showing that everywhere the Third Estate attends to nineteen-twentieths of them, with this distinction; that it is laden with all that which is really painful, with all the burdens which the privileged classes refuse to carry. Do we give the Third Estate credit for this? That this might come about, it would be necessary that the Third Estate should refuse to fill these places, or that it should be less ready to exercise their functions. The facts are well known. Meanwhile they have dared to impose a prohibition upon the order of the Third Estate. They have said to it: "Whatever may be your services, whatever may be your abilities,

[1] *Translations and Reprints*, vol. vi, No. 1, pp. 33–35. Translated by Merrick Whitcomb.

you shall go thus far; you may not pass beyond!" Certain rare exceptions, properly regarded, are but a mockery, and the terms which are indulged in on such occasions, one insult the more.

If this exclusion is a social crime against the Third Estate, if it is a veritable act of hostility, could it perhaps be said that it is useful to the public weal? Alas! who is ignorant of the effects of monopoly? If it discourages those whom it rejects, is it not well known that it tends to render less able those whom it favors? Is it not understood that every employment from which free competition is removed, becomes dearer and less effective?

In setting aside any function whatsoever to serve as an appanage for a distinct class among citizens, is it not to be observed that it is no longer the man alone who does the work that it is necessary to reward, but all the unemployed members of that same caste, and also the entire families of those who are employed as well as those who are not? Is it not to be remarked that since the government has become the patrimony of a particular class, it has been distended beyond all measure; places have been created, not on account of the necessities of the governed, but in the interests of the governing? . . .

It suffices here to have made it clear that the pretended utility of a privileged order for the public service is nothing more than a chimera; that with it all that which is burdensome in this service is performed by the Third Estate; that without it the superior places would be infinitely better filled; that they naturally ought to be the lot and the recompense of ability and recognized services, and that if privileged persons have come to usurp all the lucrative and honorable posts, it is a hateful injustice to the rank and file of citizens and at the same time a treason to the public weal.

Who then shall dare to say that the Third Estate has not within itself all that is necessary for the formation of a complete nation? It is the strong and robust man who has one arm still shackled. If the privileged order should be abolished, the nation would be nothing less, but something more. Therefore, what is the Third Estate? Everything; but an everything shackled and oppressed. What would it be without the privileged order?

Everything, but an everything free and flourishing. Nothing can succeed without it, everything would be infinitely better without the others. . . .

The Third Estate embraces then all that which belongs to the nation; and all that which is not the Third Estate, cannot be regarded as being of the nation. What is the Third Estate? It is the whole.

398. The Tennis Court Oath [1]

The Estates-General, upon meeting at Versailles in 1789, at once became deadlocked. In former days it had sat as separate chambers and had voted by orders. If this usage were to be continued, the clergy and nobles would have had two votes to one for the Third Estate. The commoners insisted, however, that the new Estates-General no longer represented feudal France, but the united nation. They wished it to organize as a single body in which the members voted as individuals. Finally, upon the motion of Sieyès, they adopted a decree declaring themselves to be the National Assembly. Representatives of the clergy and the nobility n ight come in as well, but the National Assembly could do without them. This action was taken on June 17. When on June 20 the deputies of the Third Estate went to the hall which had been set apart for them in the palace of Versailles, they found it closed by troops and placards posted announcing a royal session two days later. Fearing that this foreshadowed a command from the king for separate organization and vote by orders, the undaunted commoners adjourned to a tennis court near by and with substantial unanimity formulated the resolution, or oath, reproduced below.

The National Assembly, considering that it has been summoned to determine the constitution of the kingdom, to effect the regeneration of public order, and to maintain the true principles of the monarchy; that nothing can prevent it from continuing its deliberations in whatever place it may be forced to establish itself, and lastly, that wherever its members meet together, there is the National Assembly.

Decrees that all the members of this assembly shall immediately take a solemn oath never to separate, and to reassemble wherever circumstances shall require, until the constitution of

[1] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Second Edition), Minneapolis, 1908, p. 3. H. W. Wilson Company.

the kingdom shall be established and consolidated upon firm foundations; and that, the said oath being taken, all the members and each of them individually shall ratify by their signatures this steadfast resolution.

399. Decree Abolishing the Feudal System [1]

The National Assembly, in its famous night session of August 4–5, 1789, passed a large number of measures suppressing the special privileges of classes, cities, and provinces under the Old Régime. Within the following week all these measures were brought together into a single decree, which received the signature of Louis XVI. The decree did little more than register accomplished facts. Feudalism had already fallen, in consequence of the revolutionary movements throughout France; it was now legally abolished by the representatives of the nation.

1. The National Assembly hereby completely abolishes the feudal system. It decrees that, among the existing rights and dues, both feudal and *censuel*,[2] all those originating in or representing real or personal serfdom or personal servitude, shall be abolished without indemnification. . . .

2. The exclusive right to maintain pigeon-houses and dovecotes is abolished. The pigeons shall be confined during the seasons fixed by the community. During such periods they shall be looked upon as game, and every one shall have the right to kill them upon his own land.

3. The exclusive right to hunt and to maintain unenclosed warrens is likewise abolished, and every land owner shall have the right to kill or to have destroyed on his own land all kinds of game, observing, however, such police regulations as may be established with a view to the safety of the public. All hunting captainries, including the royal forests, and all hunting rights under whatever denomination, are likewise abolished. Provision shall be made, however, in a manner compatible with the regard due to property and liberty, for maintaining the personal pleasures of the king. . . .

4. All manorial courts are hereby suppressed without indemnification. . . .

[1] *Translations and Reprints*, vol. 1, No. 5, pp. 2–5. Translated by J. H. Robinson.

[2] A reference to the perpetual due known as the *cens*.

5. Tithes of every description, as well as the dues which have been substituted for them, under whatever denomination they are known or collected (even when compounded for), possessed by secular or regular congregations, by holders of benefices, members of corporations (including the Order of Malta and other religious and military orders), as well as those devoted to the maintenance of churches, those impropriated to lay persons and those substituted for the *portion congrue*,[1] are abolished, on condition, however, that some other method be devised to provide for the expenses of divine worship, the support of the officiating clergy, for the assistance of the poor, for repairs and rebuilding of churches and parsonages, and for the maintenance of all institutions, seminaries, schools, academies, asylums, and organizations to which the present funds are devoted. . . .

6. All perpetual ground rents, payable either in money or in kind, of whatever nature they may be, whatever their origin and to whomsoever they may be due, as to members of corporations, holders of the domain or appanages, or to the Order of Malta, shall be redeemable. *Champarts*,[2] of every kind and under all denominations, shall likewise be redeemable at a rate fixed by the Assembly. No due shall in the future be created which is not redeemable.

7. The sale of judicial and municipal offices shall be suppressed forthwith. Justice shall be dispensed *gratis*. . . .

8. The fees of the country priests are abolished, and shall be discontinued so soon as provision shall be made for increasing the minimum salary of the parish priests and the payment to the curates. A regulation shall be drawn up to determine the status of the priests in the towns.

9. Pecuniary privileges, personal or real, in the payment of taxes are abolished forever. Taxes shall be collected from all the citizens, and from all property, in the same manner and in the same form. Plans shall be considered by which the taxes shall be paid proportionally by all, even for the last six months of the current year.

[1] This refers to the minimum remuneration fixed for the priests.

[2] The lord's right to a certain portion of the crops on lands subject to the *cens*.

10. Inasmuch as a national constitution and public liberty are of more advantage to the provinces than the privileges which some of these enjoy, and inasmuch as the surrender of such privileges is essential to the intimate union of all parts of the realm, it is decreed that all the peculiar privileges, pecuniary or otherwise, of the provinces, principalities, districts, cantons, cities and communes, are once for all abolished and are absorbed into the law common to all Frenchmen.

11. All citizens, without distinction of birth, are eligible to any office or dignity, whether ecclesiastical, civil or military; and no profession shall imply any derogation.

15. The National Assembly shall consider, in conjunction with the King, the report which is to be submitted to it relating to pensions, favors and salaries, with a view to suppressing all such as are not deserved and reducing those which shall prove excessive; and the amount shall be fixed which the King may in the future disburse for this purpose.

400. Declaration of the Rights of Man and of the Citizen [1]

After the legal abolition of the feudal system the National Assembly proceeded to draw up the celebrated Declaration reproduced below. It was obviously framed on the model of the bills of rights inserted in several of the American state constitutions, which had been translated into French. The Declaration was prefixed to the French Constitution of 1791, and many of its clauses were subsequently reproduced in the constitutions framed in France and other Continental countries during the nineteenth century.

1. Men are born and remain free and equal in rights. Social distinctions may only be founded upon the general good.

2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.

3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

4. Liberty consists in the freedom to do everything which

[1] *Translations and Reprints*, vol. i, No. 5, pp. 6–8. Translated by J. H. Robinson.

injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.

5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.

6. Law is the expression of the general will. Every citizen has a right to participate personally or through his representative in its formation. It must the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

7. No person shall be accused, arrested or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing or causing to be executed any arbitrary order shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offence.

8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offence.

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.

10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

12. The security of the rights of man and of the citizen requires

public military force. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be entrusted.

13. A common contribution is essential for the maintenance of the public forces and the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment, and of collection, and the duration of the taxes.

15. Society has the right to require of every public agent an account of his administration.

16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

17. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.

401. Decree Abolishing Nobility [1]

This decree, adopted by the National Assembly on June 19, 1790, abolished titles of nobility, armorial bearings, liveries, orders of knighthood, and all the other trappings of a feudalism that was now extinct in France. It naturally increased the exasperation of the noble enemies of the Revolution, and many of them went to swell the ranks of the *emigrés* across the frontier.

Hereditary nobility is forever abolished; in consequence the titles of prince, duke, count, marquis, viscount, vidame, baron, knight, *messire*, *écuyer*, *noble*, and all other similar titles, shall neither be taken by anyone whomsoever nor given to anybody.

[1] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Second Edition), Minneapolis, 1908, p. 34 H. W. Wilson Company.

A citizen may take only the true name of his family; no one may wear liveries nor cause them to be worn, nor have armorial bearings; incense shall not be burned in the temples, except in order to honor the divinity, and shall not be offered for any one whomsoever.

The titles of *monseigneur* and *messeigneurs* shall not be given to any society nor to any person, likewise the titles of excellency, highness, eminence, grace, etc., nevertheless, no citizen, under pretext of the present decree, shall be permitted to make an attack on the monuments placed in the temples, the charters, titles and other tokens of interest to families or properties, nor the decorations of any public or private place; nevertheless, the execution of the provisions relative to the liveries and the arms placed upon carriages shall not be carried out nor demanded by any one whomsoever before the 14th of July for the citizens living in Paris and before three months for those who inhabit the country.

No foreigners are included in the provision of the present decree; they may preserve in France their liveries and their armorial bearings.

402. The "Marseillaise" [1]

The song which has immortalized its author, Rouget de Lisle, was composed at Strasbourg in 1792. It was intended to inspire the French army, then fighting on the Rhine against the combined forces of Prussia and Austria. It received its name of *Marseillaise* and became a republican chant from its adoption by Provençal volunteers who were prominent in the storming of the Tuileries. The translation here quoted is anonymous.

Ye sons of France, awake to glory!
Hark! Hark! what myriads bid you rise!
Your children, wives, and grandsires hoary, —
Behold their tears and hear their cries!
Shall hateful tyrants,[2] mischief breeding,

[1] Albert Boni, *The Modern Book of French Verse*, New York, 1920, pp. 97–98. Boni and Liveright.

[2] Frederick William II of Prussia and the Holy Roman Emperor, Francis II.

With hireling hosts, a ruffian band,
Affright and desolate the land,
While liberty and peace lie bleeding?

To arms! to arms! ye brave!
The avenging sword unsheathe!
March on! march on! all hearts resolved
On victory or death!

Now, now, the dangerous storm is rolling,
Which treacherous kings confederate raise;
The dogs of war, let loose, are howling,
And, lo! our fields and cities blaze.
And shall we basely view the ruin,
While lawless force, with guilty stride,
Spreads desolation far and wide,
With crimes and blood his hands imbruing?

To arms! to arms! ye brave! etc.

With luxury and pride surrounded,
The bold, insatiate despots dare —
Their thirst of gold and power unbounded —
To mete and vend the light and air.
Like beasts of burden would they load us,
Like gods would bid their slaves adore;
But man is man, and who is more?
Then shall they longer lash and goad us?

To arms! to arms! ye brave! etc.

O Liberty, can man resign thee,
Once having felt thy generous flame?
Can dungeons, bolts, or bars confine thee,
Or whips thy noble spirit tame?
Too long the world has wept, bewailing,
That Falsehood's dagger tyrants wield;

But Freedom is our sword and shield,
And all their arts are unavailing.

To arms! to arms! ye brave! etc.

403. Address to All Peoples [1]

The conquest of the Austrian Netherlands by the revolutionary armies and the voluntary adhesion of Nice and Savoy to the French Republic filled the French with enthusiasm; they prepared to carry "Liberty, Equality, Fraternity" throughout Europe. The following decree, passed by the National Convention in December, 1792, was a direct challenge to autocratic rulers and privileged classes everywhere.

The National Convention, after having heard the report of its united committees of finances, war, and diplomacy, faithful to the principles of the sovereignty of the people, which do not permit it to recognize any of the institutions that constitute an attack thereon, and wishing to settle the rules to be followed by the generals of the armies of the Republic in the countries where they shall carry its arms, decrees:

1. In the countries which are or shall be occupied by the armies of the Republic, the generals shall proclaim immediately, in the name of the French nation, the sovereignty of the people, the suppression of all the established authorities and of the existing imposts and taxes, the abolition of the tithe, of feudalism, of seigniorial rights, both feudal and *censuel*, fixed or precarious, of *banalités*,[2] of real and personal servitude, of the privileges of hunting and fishing, of *corvées*,[3] of the nobility, and generally of all privileges.

2. They shall announce to the people that they bring them peace, assistance, fraternity, liberty and equality, and that they will convoke them directly in primary or communal assemblies in order to create and organize an administration and a provisional judiciary: they shall look after the security of persons and

[1] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Second Edition), Minneapolis, 1908, pp. 130–132. H. W. Wilson Company.

[2] Certain exclusive rights of a lord over mills, forests, fishing, etc.

[3] The *corvée* was the forced labor exacted of peasants on the highways.

property; they shall cause the present decree and the proclamation herewith annexed to be printed in the language or idiom of the country, and to be posted and executed without delay in each commune.

3. All the agents and civil and military officers of the former government, as well as the persons formerly reputed noble, or the members of any formerly privileged corporation, shall be, for this time only, inadmissible to vote in the primary or communal assemblies, and they shall not be elected to administrative positions or to the provisional judicial power.

4. The generals shall directly place under the safeguard and protection of the French Republic all the movable and immovable goods belonging to the public treasury, to the prince, to his abettors, adherents and voluntary satellites, to the public establishments, to the lay and ecclesiastical bodies and communities; they shall cause to be prepared without delay a detailed list thereof which they shall dispatch to the executive council, and shall take all the measures which are in their power that these properties may be respected.

9. The provisional administration selected by the people and the functions of the national commissioners shall cease as soon as the inhabitants, after having declared the sovereignty and independence of the people, liberty and equality, shall have organized a free and popular form of government.

11. The French nation declares that it will treat as enemies the people who, refusing liberty and equality, or renouncing them, may wish to preserve, recall, or treat with the prince and the privileged castes; it promises and engages not to subscribe to any treaty, and not to lay down its arms, until after the establishment of the sovereignty and independence of the people whose territory the troops of the Republic have entered upon and who shall have adopted the principles of equality, and established a free and popular government.

404. "The German's Fatherland" [1]

Ernst Moritz Arndt (1769–1860), German lyrist of freedom and nationality for Germans, wrote many patriotic songs, but none more influential than his *Des deutschen Vaterland*, which was on all lips when Germany lay subject to Napoleon and when she rose against the oppressor in the War of Liberation.

Where is the German's fatherland?
Is't Swabia? Is't the Prussian's land?
Is't where the grape glows on the Rhine?
Where sea-gulls skim the Baltic's brine?
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Bavaria, or the Styrian's land?
Is't where the Marser's cattle graze?
Is it the Mark where forges blaze?
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Westphalia? Pomerania's strand?
Is't where the sand wafts on the shore?
Is't where the Danube's surges roar?
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Say how is named that mighty land!
Is't Tyrol? Where the Switzers dwell?
The land and folk might please me well.
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Say how is named that mighty land!
Ah! Austria surely it must be,

[1] Alfred Baskerville, *The Poetry of Germany* (Fourth Edition), Baden-Baden, 1876, pp. 150–152.

In honours rich and victory.
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Say how is named that mighty land!
Is it the gem which princely guile
Tore from the German crown erewhile?[1]
O no! more great, more grand
Must be the German's fatherland!

Where is the German's fatherland?
Name me at length that mighty land!
"Where'er resounds the German tongue,
"Where'er its hymns to God are sung."
Be this the land,
Brave German, this thy fatherland!

There is the German's fatherland,
Where oaths are sworn by clasp of hand,
Where faith and truth beam in the eyes,
And in the heart affection lies.
Be this the land,
Brave German, this thy fatherland!

There is the German's fatherland,
Where wrath the Southron's guile doth brand,
Where all are foes whose deeds offend,
Where every noble soul's a friend.
Be this the land,
All Germany shall be the land!

All Germany that land shall be,
Watch o'er it God, and grant that we,
With German hearts, in deed and thought,
May love it truly as we ought.
Be this the land,
All Germany shall be the land!

[1] Saxony, which in 1806 entered the Confederation of the Rhine as an independent kingdom.

405. Young Italy [1]

The Italian patriot, Giuseppe Mazzini, founded La Giovine Italia (Young Italy) in 1831, while he was living as an exile in Marseilles. He wished it to replace the theatrical and somewhat futile secret society of the Carbonari, in which he had begun his revolutionary career. The following oath was to be taken by each member upon his initiation and in the presence of the initiator.

In the name of God and of Italy —

In the name of all the martyrs of the holy Italian cause who have fallen beneath foreign and domestic tyranny —

By the duties which bind me to the land wherein God has placed me, and to the brothers whom God has given me —

By the love — innate in all men — I bear to the country that gave my mother birth, and will be the home of my children —

By the hatred — innate in all men — I bear to evil, injustice, usurpation, and arbitrary rule —

By the blush that rises to my brow when I stand before the citizens of other lands, to know that I have no rights of citizenship, no country, and no national flag —

By the aspiration that thrills my soul towards that liberty for which it was created, and is impotent to exert; towards the good it was created to strive after, and is impotent to achieve in the silence and isolation of slavery —

By the memory of our former greatness, and the sense of our present degradation —

By the tears of Italian mothers for their sons dead on the scaffold, in prison, or in exile —

By the sufferings of the millions —

I, *A.B.* —

Believing in the mission entrusted by God to Italy, and the duty of every Italian to strive to attempt its fulfilment —

Convinced that where God has ordained that a nation shall be, he has given the requisite power to create it; that the people are the depositaries of that power, and that in its right direction for the people, and by the people, lies the secret of victory —

[1] *Life and Writings of Joseph Mazzini*, London, 1891, vol. i, pp. 110–113. John Murray.

Convinced that virtue consists in action and sacrifice, and strength in union and constancy of purpose —

I give my name to Young Italy, an association of men holding the same faith, and swear —

To dedicate myself wholly and for ever to the endeavour with them to constitute Italy *one free, independent, republican nation.*

To promote by every means in my power — whether by written or spoken word, or by action — the education of my Italian brothers towards the aim of Young Italy; towards association, the sole means of its accomplishment, and to virtue, which alone can render the conquest lasting —

To abstain from enrolling myself in any other association from this time forth —

To obey all the instructions, in conformity with the spirit of Young Italy, given me by those who represent with me the union of my Italian brothers; and to keep the secret of these instructions, even at the cost of my life —

To assist my brothers of the association both by action and counsel —

NOW AND FOR EVER.

This do I swear, invoking upon my head the wrath of God, the abhorrence of man, and the infamy of the perjurer, if I ever betray the whole or a part of this my oath.

406. Constitutional Charter of Sardinia [1]

The basis of the constitution of united Italy is the royal charter (*Statuto*) granted by Charles Albert of Sardinia in 1848, maintained by his son and successor, Victor Emmanuel, when all the other Italian states relapsed into absolutism, and between 1859–1870 extended by plebiscites to the entire peninsula. The leading principles of the charter were summed up by Charles Albert in these words:

We have much pleasure in declaring that, with the advice and approval of our Ministers and the principal advisors of our Crown, we have resolved and determined to adopt the following bases of a fundamental statute for the establishment in our states of a complete system of representative Government.

[1] *The Annual Register for 1848*, London, 1849, pp. 317–318.

1. The Catholic, apostolic, and Roman religion is the sole religion of the State. The other forms of public worship at present existing are tolerated in conformity with the laws.

2. The person of the Sovereign is sacred and inviolable. His ministers are responsible.

3. To the King alone appertains the executive power. He is the supreme head of the State. He commands all the forces, both naval and military; declares war, concludes treaties of peace, alliance, and commerce; nominates to all offices, and gives all the necessary orders for the execution of the laws, without suspending or dispensing with the observance thereof.

4. The King alone sanctions and promulgates the laws.

5. All justice emanates from the King, and is administered in his name. He may grant mercy and commute punishment.

6. The legislative power will be collectively exercised by the King and by two Chambers.

7. The first of these Chambers will be composed of members nominated by the King for life; the second will be elective, on the basis of the census to be determined.

8. The proposal of laws will appertain to the King and to each of the Chambers, but with the distinct understanding that all laws imposing taxes must originate in the elective Chamber.

9. The king convokes the two Chambers annually; prorogues their sessions, and may dissolve the elective [Chamber]; but in this case he will convoke a new assembly at the expiration of four months.

10. No tax may be imposed or levied if not assented to by the Chambers and sanctioned by the King.

11. The press will be free, but subject to repressive laws.

12. Individual liberty will be guaranteed.

407. Hungarian Declaration of Independence [1]

The national and democratic movement initiated by the "February Revolution" in France centered in Hungary about the patriots Deák and Kossuth. Their influence compelled the acceptance by Ferdinand I, the Austrian emperor, of the March Laws of 1848, which, by providing

[1] R. W. Postgate, *Revolution from 1789 to 1906*, London, 1920, pp. 227–228. The Richards Press, Ltd.

for responsible ministries, popular representation, absolute religious liberty, the abolition of serfdom, and other liberal reforms, transformed Hungary from a semi-feudal into a modern state. Henceforth Austria and Hungary were to remain united only through their common Hapsburg sovereign. Even this slender tie disappeared after Ferdinand I abdicated in favor of his nephew. Francis Joseph I, the new ruler, declaring that Ferdinand's oath did not bind his successor, issued a manifesto which established a new constitution for the entire empire, with Hungary henceforth as little more than the largest of several subject provinces. The publication of this manifesto, arriving simultaneously with the news of successes gained by the Hungarian forces in the war that had already begun against Austria, led in 1849 to a formal declaration of independence by the Magyar state. It was carried through the Diet by Kossuth, who now became president of the short-lived Hungarian Republic.

1. Hungary is proclaimed a free and independent European State with Transylvania, which is legally reunited to it, and with all the dependencies, counties and provinces of Hungary.

2. The house of Hapsburg-Lorraine having torn up with its own hands the Pragmatic Sanction[1] and broken all the links which existed through mutual contracts, between it and Hungary, and that by treachery, perjury and taking up arms against the Hungarian nation; the house of Hapsburg having dared to attempt the dismemberment of the country in separating from Hungary, Transylvania, Croatia, Slavonia, Fiume, and the Littoral, not even shrinking from the support of the armies of a foreign prince[2] to destroy the country's independent life; the said house of Hapsburg-Lorraine is, by the present declaration in the name of the nation, for ever excluded from the possession of Hungary, Transylvania, and all the dependent countries and provinces, banished from the land and deprived of civil rights. Consequently, by the present declaration in the name of the nation, it is declared fallen, excluded from the throne and exiled.

3. The Hungarian nation, in returning to the European family as a free and independent state in virtue of its undeniable right, declares at the same time that it intends to keep and maintain

[1] This solemn compact, made by Charles VI in 1723, guaranteed to the Hungarians *in perpetuo* all their rights, liberties, immunities, customs, and laws.

[2] Nicholas I, tsar of Russia.

peace and relations of neighbourly good-feeling with the peoples who were once subjects of the same prince as it, and to enter into alliance with all other nations in so far as its own rights are undamaged thereby.

5. In requiring the Government of the Hungarian State to execute and publish our present decision, we invest it with the powers necessary to that end, and in the name of the nation we order all citizens to obey its commands and instructions.

408. Declaration of Independence of the Czecho-Slovak Nation [1]

The Czecho-Slovaks, comprising the Czechs of Bohemia, Moravia, and Austrian Silesia and the Slovaks of Slovakia (northern Hungary), found in the World War an opportunity to strike for freedom and national existence. Their leaders in Allied countries formed the Czecho-Slovak National Council, with headquarters at Paris. The President of the Council, Professor Thomas G. Masaryk, remained in Washington, where he was in close touch with President Wilson, after the United States had recognized the Czecho-Slovaks on September 2, 1918. During the following month (October 18), the Provisional Government at Paris issued a formal Declaration of Independence.

At this grave moment, when the Hohenzollerns are offering peace in order to stop the victorious advance of the Allied armies and to prevent the dismemberment of Austria-Hungary and Turkey, and when the Habsburgs are promising the federalization of the Empire and autonomy to the dissatisfied nationalities committed to their rule, we, the Czecho-Slovak National Council, recognized by the Allied and American Governments as the Provisional Government of the Czecho-Slovak State and Nation, in complete accord with the declaration of the Czech deputies made in Prague on January 6, 1918, and realizing that federalization, and, still more, autonomy, means nothing under a Habsburg dynasty, do hereby make and declare this our Declaration of Independence. . . .

We reject the sacrilegious assertion that the power of the Habsburg and Hohenzollern dynasties is of divine origin; we refuse to recognize the divine right of kings. Our nation

[1] M. W. Graham, *New Governments of Central Europe*, New York, 1924, pp. 602–606. Henry Holt and Company.

elected the Habsburgs to the throne of Bohemia of its own free will and by the same right deposes them. We hereby declare the Habsburg dynasty unworthy of leading our nation, and deny all of their claims to rule in the Czecho-Slovak land, which we here and now declare shall henceforth be a free and independent people and nation.

We accept and shall adhere to the ideals of modern democracy, as they have been the ideals of our nation for centuries. We accept the American principles as laid down by President Wilson; the principles of liberated mankind — of the actual equality of nations — and of governments deriving all their just power from the consent of the governed. We, the nation of Comenius,[1] cannot but accept these principles expressed in the American Declaration of Independence, the principles of Lincoln, and of the Declaration of the Rights of Man and of the Citizen. For these principles our nation shed its blood in the memorable Hussite Wars five hundred years ago; for these same principles, beside her allies, our nation is shedding its blood to-day in Russia, Italy, and France.

We shall outline only the main principles of the constitution of the Czecho-Slovak Nation; the final decision as to the constitution itself falls to the legally chosen representatives of the liberated and united people.

The Czecho-Slovak State shall be a republic. In constant endeavor for progress it will guarantee complete freedom of conscience, religion and science, literature and art, speech, the press, and the right of assembly and petition. The Church shall be separated from the State. Our democracy shall rest on universal suffrage; women shall be placed on an equal footing with men, politically, socially, and culturally. The rights of the minority shall be safeguarded by proportional representation; national minorities shall enjoy equal rights. The government shall be parliamentary in form and shall recognize the principles of initiative and referendum. The standing army will be replaced by militia.

The Czecho-Slovak Nation will carry out far-reaching social

[1] A Moravian bishop and educator (1592–1671).

and economic reforms; the large estates will be redeemed for home colonization; patents of nobility will be abolished. Our nation will assume its part of the Austro-Hungarian pre-war public debt; the debts for this war we leave to those who incurred them.

In its foreign policy the Czecho-Slovak Nation will accept its full share of responsibility in the reorganization of Eastern Europe. It accepts fully the democratic and social principle of nationality and subscribes to the doctrine that all covenants and treaties shall be entered into openly and frankly without secret diplomacy.

Our constitution shall provide an efficient, rational, and just government, which will exclude all special privileges and prohibit class legislation.

Democracy has defeated theocratic autocracy. Militarism is overcome — democracy is victorious; on the basis of democracy mankind will be recognized. The forces of darkness have served the victory of light, the longed-for age of humanity is dawning.

We believe in democracy, we believe in liberty, and liberty evermore.[1]

409. Letter of the Revolutionary Executive Committee to Alexander III [2]

After the assassination of Alexander II in 1881 by Russian terrorists the Revolutionary Executive Committee, which had plotted the deed, addressed the following letter to the new tsar, Alexander III.

You are aware, your Majesty, that the Government of the late Emperor could not be accused of a lack of energy. It hanged the innocent and the guilty, and filled prisons and remote provinces with exiles. [Scores] of so-called "leaders" were captured and hanged, and died with the courage and tranquillity of martyrs; but the movement did not cease — on the contrary it grew and strengthened. The revolutionary movement, your Majesty, is

[1] Signed by Thomas G. Masaryk, prime minister, M. R. Štefanik, minister of national defense, and Eduard Beneš, minister of foreign affairs.

[2] George Kennan. *Siberia and the Exile System*, New York, 1891, vol. ii, pp. 500–502. Century Co.

not dependent upon any particular individuals; it is a process of the social organism; and the scaffolds raised for its more energetic exponents are as powerless to save the out-grown order of things as the cross that was erected for the Redeemer was powerless to save the ancient world from the triumph of Christianity. The Government, of course, may yet capture and hang an immense number of separate individuals, it may break up a great number of separate revolutionary groups, it may even destroy the most important of existing revolutionary organizations; but all this will not change, in the slightest degree, the condition of affairs. . . .

A dispassionate glance at the grievous decade through which we have just passed will enable us to forecast accurately the future progress of the revolutionary movement, provided the policy of the Government does not change. The movement will continue to grow and extend; deeds of a terroristic nature will increase in frequency and intensity, and the revolutionary organization will constantly set forth, in the places of destroyed groups, stronger and more perfect forms. Meanwhile the number of the discontented in the country will grow larger and larger; confidence in the Government, on the part of the people, will decline; and the idea of revolution — of its possibility and inevitability — will establish itself in Russia more and more firmly. A terrible explosion, a bloody hurly-burly, a revolutionary earthquake throughout Russia will complete the destruction of the old order of things. Upon what depends this terrible prospect? Yes, your Majesty, "terrible" and lamentable! Do not take this for a mere phrase. We understand, better than any one else can, how lamentable is the waste of so much talent and energy, the loss, in bloody skirmishes and in the work of destruction, of so much strength that, under other conditions, might have been expended in creative labor and in the development of the intelligence, the welfare, and the civil life of the Russian people. Whence proceeds this lamentable necessity for bloody conflict? It arises, your Majesty, from the lack in Russia of a real government in the true sense of that word. A government, in the very nature of things, should only give outward

form to the aspirations of the people and effect to the people's will. But with us — excuse the expression — the Government has degenerated into a mere camarilla, and deserves the name of a usurping "gang" much more than does the Executive Committee. . . .

From such a state of affairs there can be only two exits: either a revolution, absolutely inevitable and not to be averted by any punishments, or a voluntary turning of the Supreme Power to the people. In the interest of our native land, in the hope of preventing the useless waste of energy, in the hope of averting the terrible miseries that always accompany revolution, the Executive Committee approaches your Majesty with the advice to take the second course. Be assured, so soon as the Supreme Power ceases to rule arbitrarily, so soon as it firmly resolves to accede to the demands of the people's conscience and consciousness, you may, without fear, discharge the spies that disgrace the administration, send your guards back to their barracks, and burn the scaffolds that are demoralizing the people. The Executive Committee will voluntarily terminate its own existence, and the organizations formed about it will disperse, in order that their members may devote themselves to the work of culture among the people of their native land.

410. Manifesto of Nicholas II [1]

The opposition to autocracy, which had lain dormant in Russia during the reign of Alexander III (1881–1894), revived during that of Nicholas II. Not only the *intelligentsia*, but also the middle and lower classes now espoused the liberal cause. Enlightened members of the nobility, as in France before the Revolution, added their voices to the rising volume of criticism. Then came the Russo-Japanese War, revealing in pitiless fashion the government's incapacity and corruption. The popular discontent culminated in an epidemic of strikes throughout Russia, bringing economic life virtually to a standstill. It was under these circumstances that Nicholas II issued on October 30, 1905, the following Manifesto to Improve the State Order.

[1] F. A. Golder, *Documents of Russian History, 1914–1917*, New York, 1927, pp. 627–628. Translated by Emanuel Aronsberg. Century Co.

The rioting and agitation in the capitals and in many localities of Our Empire fills Our heart with great and deep grief. The welfare of the Russian Emperor is bound up with the welfare of the people, and its sorrows are His sorrows. The turbulence which has broken out may confound the people and threaten the integrity and unity of Our Empire.

The great vow of service by the Tsar obligates Us to endeavor, with all Our strength, wisdom, and power, to put an end as quickly as possible to the disturbance so dangerous to the Empire. In commanding the responsible authorities to take measures to stop disorders, lawlessness, and violence, and to protect peaceful citizens in the quiet performance of their duties, We have found it necessary to unite the activities of the Supreme Government, so as to insure the successful carrying out of the general measures laid down by Us for the peaceful life of the state.

We lay upon the Government the execution of Our unchangeable will:

1. To grant to the population the inviolable right of free citizenship, based on the principles of the freedom of person, conscience, speech, assembly, and union.

2. Without postponing the intended elections for the State Duma and in so far as possible, in view of the short time that remains before the assembling of that body, to include in the participation of the work of the Duma those classes of the population that have been until now entirely deprived of the right to vote, and to extend in the future, by the newly created legislative way, the principles of the general right of election.

3. To establish as an unbreakable rule that no law shall go into force without its confirmation by the State Duma and that the persons elected by the people shall have the opportunity for actual participation in supervising the legality of the acts of authorities appointed by Us.

We call on all the true sons of Russia to remember their duties toward their country, to assist in combating these unheard-of disturbances, and to join Us with all their might in reëstablishing quiet and peace in the country.

411. The Viborg Manifesto [1]

The first Russian parliament, known as the "Duma of the National Indignation," met in 1906. It was opened by Nicholas II in person. The members, scarcely without exception, represented all the elements in Russian life opposed to autocracy. A struggle with the government occupied the entire session. The Duma wanted the tsar's ministers to be responsible to it, as the only means of giving the people control over the officials. The tsar would not accept any further limitation of his authority, and at length cut matters short by dissolving the assembly. Its failure to coöperate with him was a "cruel disappointment" to this sorely tried autocrat. Immediately upon the dissolution of the Duma about two-thirds of its members adjourned to Viborg in Finland and signed the following manifesto (July 23, 1906).

When you elected us as your representatives, you instructed us to fight for land and freedom. In pursuance of your instructions and our duty we drew up laws to secure freedom for the people, we demanded the removal of irresponsible ministers who, infringing the law with impunity, have been crushing liberty. First of all, however, we wanted to construct a law for the endowment of the toiling peasantry with land, by way of appropriating for that purpose land belonging to the State, the Imperial family, monasteries, churches, and to private landowners. The Government held such a law inadmissible, and when the Duma once more insistently confirmed its resolution regarding compulsory appropriation, it was dissolved.

In place of the present Duma the Government promises to convene another one in seven months. For seven whole months Russia must remain without popular representatives, at a time when the nation is on the verge of ruin, and industry and commerce are undermined, when the whole country is in the throes of unrest, and when the Ministry has clearly proved its incapacity for satisfying the people's needs. Seven whole months the Government will act according to its own arbitrary will, and will fight against the popular movement in order to secure an obedient servile Duma; should it succeed in completely

[1] Alexander Kornilov, *Modern Russian History*, New York, 1917, vol. ii, pp. 322–324. Translated by A. S. Kaun. Alfred A. Knopf.

suppressing the popular movement, the Government will convene no Duma at all.

Citizens! Stand up firmly for the trampled rights of popular representation and for the State Duma. Not a single day should Russia remain without popular representation. You have the means for obtaining it: The Government has no right, without the consent of the popular representatives, to collect taxes from the people, or to summon the people for military service. Therefore, since the Government has dissolved the State Duma, you have the right to refuse both recruits and money. Should the Government contract loans in order to procure funds, such loans, contracted without the assent of the people's representatives, will not be valid, the Russian people will never acknowledge them and will not pay them. Until the convocation of the people's representatives do not give a copeck for the Treasury, nor a soldier for the army.

Be firm in your refusal, stand up for your right as one man. No power can resist the united, inflexible will of the people. Citizens, in this forced, but inevitable struggle your representatives will be with you.[1]

412. A Bolshevist Appeal to the Proletariat [2]

This document, addressed to the "proletarians and working-people of all countries," was issued in March, 1917, by the Petrograd Soviet of Workers' and Soldiers' Deputies.

We, the Russian workers and soldiers, united in the Petrograd Workmen's and Soldiers' Delegate Council, send you our warmest greetings and the news of great events. The democracy of Russia has overthrown the century-old despotism of the Czars and enters your ranks as a rightful member and as a powerful force in the battle for our common liberation. Our victory is a great victory for the freedom and democracy of the world. The principal supporter of reaction in the world, the "gendarme of Europe,"

[1] 217 signatures follow, including most of the members of the Cadet, or Constitutional Democratic, Party.

[2] John Spargo, *Bolshevism*, New York and London, 1909, pp. 329–330. Harper and Brothers.

no longer exists. May the earth over his grave become a heavy stone! Long live liberty, long live the international solidarity of the proletariat and its battle for the final victory!

Our cause is not yet entirely won. Not all the shadows of the old régime have been scattered and not a few enemies are gathering their forces together against the Russian Revolution. Nevertheless, our conquests are great. The peoples of Russia will express their will in the Constitutional convention which is to be called within a short time upon the basis of universal, equal, direct, and secret suffrage. And now it may already be said with certainty in advance that the democratic republic will triumph in Russia. The Russian people is in possession of complete political liberty. Now it can say an authoritative word about the internal self-government of the country and about its foreign policy. And in addressing ourselves to all the peoples who are being destroyed and ruined in this terrible war, we declare that the time has come in which the decisive struggle against the attempts at conquest by the governments of all the nations must be begun. The time has come in which the peoples must take the matter of deciding the questions of war and peace into their own hands.

Conscious of its own revolutionary strength, the democracy of Russia declares that it will fight with all means against the policy of conquest of its ruling classes, and it summons the peoples of Europe to united, decisive action for peace.

We appeal to our brothers, to the German-Austrian coalition, and above all to the German proletariat. The first day of the war you were made to believe that in raising your weapons against absolutist Russia you were defending European civilization against Asiatic despotism. In this many of you found the justification of the support that was accorded to the war. Now also this justification has vanished. Democratic Russia cannot menace freedom and civilization.

We shall firmly defend our own liberty against all reactionary threats, whether they come from without or within. The Russian Revolution will not retreat before the bayonets of conquerors, and it will not allow itself to be trampled to pieces

by outside military force. We call upon you to throw off the yoke of your absolutist régime, as the Russian people has shaken off the autocracy of the Czars. Refuse to serve as the tools of conquest and power in the hands of the kings, Junkers, and bankers, and we shall, with common efforts, put an end to the fearful butchery that dishonors humanity and darkens the great days of the birth of Russian liberty.

Working-men of all countries! In fraternally stretching out our hands to you across the mountains of our brothers' bodies, across the sea of innocent blood and tears, across the smoking ruins of cities and villages, across the destroyed gifts of civilization, we summon you to the work of renewing and solidifying international unity. In that lies the guaranty of our future triumph and of the complete liberation of humanity.

"Working-men of all countries, unite!" [1]

413. The Mayflower Compact [2]

The colonization of New England was begun by the Pilgrims, who belonged to the sect of Separatists, or Independents. Persecuted by Elizabeth and James I, many Separatists went to Holland, where liberty of conscience prevailed. The prospect of losing their English speech and customs among the Dutch did not please them, and one congregation, dwelling at Leyden, decided to emigrate to America. Having obtained from the London Company a patent to colonize within the limits of Virginia, and to establish there by majority rule "all manner of orders, laws, directions, instructions, forms, ceremonies of government and magistracy," a party of one hundred and two men, women, and children set sail in the *Mayflower*. They intended to settle somewhere south of the Hudson River, but when they sighted land it was the peninsula of Cape Cod. The Pilgrims thus found themselves outside the territory granted to the London Company and unable to use their patent for colonization and government. They proceeded, however, to assume such authority as was needful under the circumstances. On November 11, 1620, while the *Mayflower* was lying off Cape Cod, the adult men of the party gathered in the cabin of the vessel and signed the brief document given below. Though in no sense a constitution for an independent state, the Mayflower Compact is notable as revealing the

[1] The concluding line of the *Communist Manifesto* by Marx and Engels.

[2] William Bradford, *History of Plymouth Plantation*, Boston, 1856, pp. 89–90. Edited by Charles Deane. Collections of the Massachusetts Historical Society (Fourth Series), vol. iii.

Pilgrim instinct for self-government. It formed, indeed, the first social compact known to history.

In the name of God, Amen. We whose names are underwriten, the loyall subjects of our dread soveraigne Lord, King James, by the grace of God, of Great Britaine, Franc, and Ireland king, defender of the faith, etc., haveing undertaken, for the glorie of God, and advancemente of the Christian faith, and honour of our king and countrie, a voyage to plant the first colonie in the Northerne parts of Virginia, doe by these presents solemnly and mutualy in the presence of God, and one of another, covenant and combine our selves togeather into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by vertue hearof to enacte, constitute, and frame such just and equall lawes, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meete and convenient for the generall good of the Colonie, unto which we promise all due submission and obedience.[1]

414. Plymouth Fundamentals [2]

The Fundamental Laws of Plymouth were drawn up in 1636 by the first representative assembly in that colony. These laws, which much resemble a bill of rights, are important for their succinct statement of democratic theory. They formed the earliest New England code.

1. Wee the associates of the Colony of New-Plymouth, coming hither as free born subjects of the kingdom of England, endowed with all and singular the privileges belonging to such: Being assembled,

Do enact, ordain and constitute; that no act, imposition, law or ordinance be made or imposed upon us at present, or to come, but such as shall be enacted by consent of the body of freemen or associates, or their representatives legally assembled; which is according to the free liberties of the free born people of England.

2. And for the well governing this Colony: It is also resolved and ordered, that there be a free election annually of Governor,

[1] Governor Bradford gives no signatures. Another copy of the Compact, written in 1669, has the signatures, forty-one in number.

[2] Ebenezer Hazard, *Historical Collections*, Philadelphia, 1792, vol. i, pp. 408–410.

Deputy Governor and assistance, by the vote of the freemen of this corporation.

3. It is also enacted, that justice and right be equally and impartially administered unto all, not sold, denied or causelessly deferred unto any.

4. It is also enacted, that no person in this government shall suffer or be indamaged, in respect of life, limb, liberty, good name or estate, under color of law, or countenance of authority, but by virtue or equity of some express law of the general court of this Colony, or the good and equitable laws of our Nation, suitable for us, in matters which are of a civil nature (as by the court here hath been accustomed) wherein we have no particular law of our own. And that none shall suffer as aforesaid, without being brought to answer by due course and process of Law.

5. And that all cases, whether capital, criminal, or between man and man, be tried by a jury of twelve good and lawful men, according to the commendable custom of England, except where some express law doth refer it to the judgment of some other judge or inferior court where jury is not; in which case also any party aggrieved, may appeal and have trial by a jury. . . .

6. That no person shall be cast, condemned or sentenced in any case capital, civil or criminal without the testimony of two sufficient witnesses, or other sufficient evidence, or circumstances equivalent thereunto, unless in any particular case the law hath otherwise provided.

7. And it is enacted; being the privilege of our charter; that all persons of the age of twenty-one years, of right understanding and memory, whether excommunicated, condemned or other, having any estate properly theirs to dispose of, shall have full power and liberty to make their reasonable wills and testaments, and other lawful alienations of their lands and estates. . . .

9. And finally, it is ordered and declared by this court, and the authority thereof, that all these foregoing orders and constitutions are so fundamentally essential to the just rights, liberties, common goods, and special end of this Colony, as that they shall and ought to be inviolably preserved.

415. Fundamental Orders of Connecticut [1]

Emigrants from Massachusetts, seeking more political and religious freedom than they enjoyed in their own colony, as well as greater opportunities for material betterment, settled in the Connecticut valley in 1634–1635 and founded there the three river towns of Wethersfield, Windsor, and Hartford. Their affairs were at first directed by the General Court of Massachusetts, but in 1639 the freemen, or heads of families, adopted the so-called Fundamental Orders, consisting of eleven Articles, as a framework of government for the new commonwealth. This document is memorable as the first in the long series of American state constitutions, and with some slight changes it remained the organic law of Connecticut for nearly two centuries. The Preamble is given here.

Forasmuch as it hath pleased the Allmighty God by the wise disposition of his divyne providence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and uppon the River of Conectecotte and the Lands thereunto adjoyneing; And well knowing where a people are gathered togather the word of God requires that to mayntayne the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conjoyne our selves to be as one Publike State or Commonwelth; and doe, for our selves and our Successors and such as shall be adjoyned to us att any tyme hereafter, enter into Combination and Confederation togather, to mayntayne and presearve the liberty and purity of the gospell of our Lord Jesus which we now professe, as also the disciplyne of the Churches, which according to the truth of the said gospell is now practised amongst us; As also in our Civell Affaires to be guided and governed according to such Lawes, Rules, Orders and decrees as shall be made, ordered and decreed, as followeth.

[1] F. N. Thorpe, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the . . . United States of America*, Washington, 1909, vol. i, p. 519.

416. Virginia Bill of Rights [1]

A convention which met at Williamsburg in May, 1776, not only framed a complete constitution for Virginia, but also adopted a separate Bill (or Declaration) of Rights, drafted by George Mason. The document should be compared, on the one side, with the English Bill of Rights and Act of Settlement, and, on the other side, with the Declaration of Independence and the first ten Amendments to the Constitution of the United States. Nowhere else, perhaps, can be found so succinct an exposition of the American theory of democratic government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. That the Legislative, and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by

[1] *A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are now in Force*, Richmond, 1794, pp. 3–4.

feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks

of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity, towards each other.

417. Northwest Ordinance [1]

This Ordinance, which has provided the model for the government of the territories of the United States, was adopted on July 13, 1787, at a session of Congress in New York. The national domains described in the instrument included what are now Ohio, Indiana, Illinois, Michigan, and Wisconsin, together with part of Minnesota. All this region had been ceded by the states to the Federal Government, to be administered in the interests of the whole people. Articles 1, 2, 3, and 6 of the final section guaranteed prospective settlers the fullest measure of religious and civil liberty.

1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

[1] *Revised Statutes of the United States* (Second Edition), Washington, 1878, pp. 15–16.

2. The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide*, and without fraud previously formed.

3. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided, always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

418. The First Ten Amendments to the Constitution of the United States [1]

These Amendments, an enumeration of the fundamental rights of the people, were intended to meet the objections of the opponents of the Constitution as originally framed. They were drawn up by the first Congress under the Constitution, promptly ratified by the states, and declared in force in November, 1791.

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

3. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

5. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

6. In all criminal prosecutions, the accused shall enjoy the

[1] *Revised Statutes of the United States* (Second Edition), Washington, 1878, pp. 28–29.

right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

9. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

419. Washington on the Federal Union [1]

Washington planned to retire from public life at the close of his first term of office. As early as 1792, accordingly, he asked James Madison to prepare for him a valedictory address to the American people. His acceptance of a second term led to Madison's draft being set aside for the next four years. Washington then amplified it and sent it to Alexander Hamilton for revision. Hamilton, with the assistance of John Jay, prepared an entirely new draft, of which Washington made extensive use. The address thus embodies the ideas of three American statesmen, besides those of its author. It was not intended for oral delivery, but was first published in a Philadelphia newspaper, the *American Daily Advertiser*, in its issue of September 19, 1796.

The Unity of Government which constitutes you one people, is also now dear to you. It is justly so; — for it is a main Pillar in the Edifice of your real independence; the support of your

[1] *The Writings of George Washington*, New York, 1889–1893, vol. xiii, pp. 286–292. Edited by W. C. Ford. G. P. Putnam's Sons.

tranquillity at home; your peace abroad; of your safety; of your prosperity in every shape; of that very Liberty, which you so highly prize. But as it is easy to foresee, that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; — as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; — that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the Palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of your Country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same Religion, Manners, Habits, and political Principles. You have in a common cause fought and triumphed together. The Independence and Liberty you possess are the work of joint councils, and joint efforts — of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those, which apply more immediately to your Interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South,

protected by the equal Laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise — and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; — and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, — and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic sides of the Union, directed by an indissoluble community of interest, as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign Power, must be intrinsically precarious.

While, then, every part of our Country thus feels an immediate and particular interest in Union, all the parts combined in the united mass of means and efforts cannot fail to find greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their Peace by foreign Nations; and, what is of inestimable value! they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries not tied together by the same government; which their own rivalships alone would be sufficient to produce; but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they

will avoid the necessity of those overgrown Military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to Republican Liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of Patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. 'Tis well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who in any quarter may endeavor to weaken its bands.

420. Jeffersonian Democracy[1]

The election of 1800, resulting in the triumph of the Republicans over the Federalists, is rightly considered to mark a revolution in the political development of the United States. The now dominant party stood for state sovereignty as opposed to Federal sovereignty, for individual rights at the expense of governmental power, and for simple manhood suffrage in place of all arrangements favoring property or class interests. Thomas Jefferson's first Inaugural (1801) announced the program of the new democratic era. It was for a long time almost as much read and as well known as the Declaration of Independence. Its final paragraph summarizes the author's political principles.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its

[1] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, Washington, 1896–1899, vol. i, pp. 323–324.

Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people — a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press; and freedom of person under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

421. Webster on the Federal Union [1]

According to the doctrine of Nullification, which came to be particularly associated with John C. Calhoun of South Carolina, any state might nullify or prevent the enforcement within its borders of an Act of Congress deemed unconstitutional. Robert Y. Hayne, senator from Calhoun's own state, voiced this doctrine in 1830, in two speeches attacking the Tariff Act of 1830, which its enemies called the "Tariff of Abominations." Daniel Webster was then serving his first term as senator from Massachusetts. His second *Reply to Hayne* is a masterly exposition of the Constitution as it had come to be after forty years of growing nationalism. The closing paragraphs are quoted.

I profess, Sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious foundation of national, social, and personal happiness.

I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union may be best

[1] *The Works of Daniel Webster* (Seventeenth Edition), Boston, 1851, vol. iii, pp. 341–342. Little, Brown, and Company.

preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed.

While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,— Liberty *and* Union, now and for ever, one and inseparable!

422. Lincoln on the Federal Union [1]

After the election of Abraham Lincoln in 1860 seven states seceded from the Union and organized the Southern Confederacy. Other states stood on the verge of secession. These circumstances made the inaugural address of the new president a momentous document. It announced his unalterable purpose to preserve, protect, and defend the Federal Government.

I hold that, in contemplation of universal law and of the Constitution, the Union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper

[1] Abraham Lincoln, *Complete Works*, New York, 1894, vol. ii, p. 3. Edited by J. G. Nicolay and John Hay. Century Co.

ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever — it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it — break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation the Union is perpetual confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774.[1] It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787 one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect Union."

But if the destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State upon its own mere motion can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and, to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon

[1] The First Continental Congress, representing all the colonies except Georgia, framed an Association, or non-importation and non-exportation agreement, designed to be generally effective.

me, that the laws of the Union be faithfully executed in all the States.

423. Lincoln's Gettysburg Address [1]

The National Military Cemetery at Gettysburg, Pennsylvania, was dedicated on November 19, 1863, as a memorial of the three-days' battle there the preceding July. Edward Everett made the formal oration on this occasion. President Lincoln then spoke briefly. His address, noble in style and elevated in feeling, is the best short exposition of the spirit of American democracy.

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate — we cannot consecrate — we cannot hallow — this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

[1] Abraham Lincoln, *Complete Works*, New York, 1894, vol. ii, pp. 439. Edited by J. G. Nicolay and John Hay. Century Co.

SECTION XXII

COLONIES AND DEPENDENCIES

424. Resolutions of the Stamp Act Congress [1]

After the passage of the Stamp Act in March, 1765, the Massachusetts House of Representatives, on the motion of James Otis, sent a circular letter to the other colonies, proposing that a congress be held in New York, "to consider of a general and united, dutiful, loyal, and humble representation of their condition to His Majesty and to the Parliament, and to implore relief." The congress met the next October, delegates from nine colonies being present. A Declaration of Rights and Grievances, which had been drafted by John Dickinson, a delegate from Pennsylvania, was adopted. It formed the first utterance of any considerable body of American opinion on the issues that were soon to separate the colonists from their mother country.

1. That his Majesty's Subjects in these colonies owe the same Allegiance to the Crown of Great Britain, that is owing from his Subjects born within the Realm, and all due Subordination to that august body the Parliament of Great Britain.

2. That his Majesty's liege Subjects in these Colonies, are intitled to all the inherent Rights and Liberties of his natural born subjects within the Kingdom of Great Britain.

3. That it is inseparably essential to the Freedom of a People, and the undoubted Right of Englishmen, that no Tax be imposed upon them, but with their own Consent, given personally, or by their Representatives.

4. That the People of these Colonies are not, and from their local Circumstances, cannot be represented in the House of Commons in Great Britain.

5. That the only Representatives of the People in these Colonies, are the Persons chosen therein by themselves; and that no Taxes ever have been, or can be, constitutionally imposed on them but by their respective Legislatures.

[1] *The Writings of John Dickinson*, Philadelphia, 1895, vol. i, pp. 183–187. Edited by P. L. Ford. Memoirs of the Historical Society of Pennsylvania, vol. xiv.

6. That all Supplies to the Crown being free Gifts of the People, it is unreasonable, and inconsistent with the Principles and Spirit of the British Constitution, for the People of Great Britain to grant to his Majesty the Property of the Colonies.

7. That trials by jury are the inherent and invaluable right of every British Subject in these Colonies.

8. That the late Act of Parliament, intitled "An Act for granting certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America," &c., by imposing Taxes on the Inhabitants of these Colonies, and the said Act, and several other Acts, by extending the Jurisdiction of the Courts of Admiralty beyond its ancient Limits, have a Tendency to subvert the Rights and Liberties of the Colonists.

9. That the Duties imposed by several Acts of Parliament, from the peculiar Circumstances of these Colonies, will be extremely burthensome and grievous, and, from the Scarcity of Specie, the Payment of them absolutely impracticable.

10. That the Profits of the Trade of these Colonies, ultimately center[ing] in Great Britain, to pay for the Manufactures which they are obliged to take from thence, they eventually contribute very largely to all Supplies granted there to the Crown.

11. That the Restrictions imposed by several late Acts of Parliament, on the Trade of these Colonies, will render them unable to purchase the Manufactures of Great Britain.

12. That the Increase, Prosperity and Happiness of these Colonies depend on the full and free Enjoyment of their Rights and Liberties, and an Intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the Right of the British Subjects in these Colonies, to petition the King, or either House of Parliament.

14. Lastly. That it is the indispensable Duty of these Colonies . . . to endeavor, by a loyal and dutiful Address to his Majesty and humble Applications to both Houses of Parliament, to procure the Repeal of the Act for granting certain Stamp Duties, of all Clauses of any other Act of Parliament, whereby the Jurisdiction of the Admiralty is extended, as aforesaid, and of other Acts for the Restriction of American Commerce.

425. Resolutions of the First Continental Congress [1]

The repeal of the obnoxious Stamp Act and of the so-called Townshend Acts did not put an end to the disputes between the American colonies and the mother country over the subject of taxation. Parliament retained a small duty on tea, in order that the colonists might not think that it had abandoned its assumed right to tax them. Popular urprisings prevented the reception or sale of the tea at any of the colonial ports and culminated in the destruction at Boston of a cargo of tea intended for Massachusetts. Parliament replied to the "Boston Tea Party" by closing the harbor of that city to commerce and by depriving Massachusetts of self-government. These measures, instead of bringing the recalcitrant colony to terms, only aroused the apprehensions of her neighbors and led to the meeting of delegates from all the colonies, except Georgia, in the First Continental Congress at Philadelphia. It drew up in October, 1774, a statement of grievances, coupled with a vigorous assertion of the rights which the colonists believed themselves to enjoy as Englishmen. The Resolutions adopted at this time are reproduced below.

1. That they are entitled to life, liberty, and property, and that they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be

[1] *Journals of the Continental Congress, 1774–1789*, Washington, 1904, vol. i, pp. 67–70. Edited by W. C. Ford. Government Printing Office.

preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operations of such acts of the British parliament, as are, *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

6. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

9. That the keeping a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

426. Declaration of Independence [1]

The Second Continental Congress, including delegates from all the colonies, assembled at Philadelphia in May, 1775. A year later, after the failure of all attempts at conciliation with Great Britain, the congress recommended that the colonies set up governments of their own. In June, 1776, a committee was appointed to prepare a declaration "that these United Colonies are, and of right ought to be, free and independent states." The committee consisted of Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and R. R. Livingston of New York. Jefferson drew up the draft of the proposed declaration, but its phraseology was carefully revised by the other members of the committee and afterwards by the congress. The Declaration of Independence was agreed to on July 4 and ordered to be proclaimed before the army and in each one of the states. Subsequently (August 2) the members of the congress then present signed their names to the document. At least six signatures were added later, making fifty-six in all. Several of the members who signed it on August 2 were absent when it was adopted on July 4; and not all who voted for it in July signed it the following August. In the original document the whole matter runs on without a break, except for numerous dashes. The present paragraphing is that found in the copy inserted in the congressional journal.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and

[1] *Revised Statutes of the United States* (Second Edition), Washington, 1878, pp. 3–5.

organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable

of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province,[1] establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once

[1] Quebec. The Reference is to the Quebec Act, 1774.

an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death and desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence.

They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.[1]

427. The Monroe Doctrine [2]

The overthrow of Napoleon Bonaparte had been followed by the restoration of the "legitimate" dynasties of Europe and the revival of the "old régime" of absolutism, privilege, and divine right. The sovereigns of Austria, Prussia, Russia, and France now formed a close alliance and agreed to aid one another in suppressing democratic or nationalist movements that might threaten the security of their thrones. Their understanding bore fruit in 1823, when French troops, acting under a commission from the three eastern powers, crossed the Pyrenees, put down a liberal revolution in Spain, and placed the tyrannical Ferdinand VII once more on his throne. He eagerly besought his fellow-monarchs to complete their work by subduing the rebellious American colonies of Spain. Great Britain and the United States felt much alarm at the prospect of European interference in the affairs of the New World. Both countries sympathized with the Spanish-Americans

[1] Signed by John Hancock, president of the congress, and by fifty-five other representatives of the Thirteen Colonies.

[2] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, Washington, 1896–1899, vol. ii, pp. 209, 217–219.

in their struggle for freedom. The United States, in fact, had already recognized the independence of four of the republics, and Great Britain was about to take the same step. Moreover, both countries had built up a valuable trade with the revolting colonies, which had thrown off the commercial restrictions of Spain along with her political authority. The new market would be lost, were Spain allowed to recover her possessions and revive her former monopolistic policies. Still another cause for anxiety was found in the situation on the northwestern coast of North America, where Russia, long established in Alaska, had recently set up a claim to part of the Oregon country. The claim was incompatible with the pretensions of Great Britain and the United States to the same territory and was stoutly opposed by both powers. Such were the circumstances which led George Canning, the British foreign minister, to communicate with the United States envoy at London, proposing a joint declaration by the two governments against the measures which the autocratic European sovereigns seemed likely to pursue. Canning's views were made known to President James Monroe, who, after discussing them with his Cabinet, decided upon an independent course of action. The attitude of the United States found expression in Monroe's seventh annual message to Congress, December 2, 1823.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. . . .

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men of that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the

manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose Governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to these continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

428. The Drago Doctrine [1]

Being an executive policy, not a law of Congress, the Monroe Doctrine is capable of modification and enlargement. It has been modified and enlarged during the last hundred years to meet new situations. As early as 1825 President John Quincy Adams notified the French government that the United States would not consent to the occupation of Cuba and Porto Rico "by any other European power than Spain under any contingency whatever." President Grant in a message to Congress (1870) declared that "henceforth no territory on the continent shall be regarded as subject of transfer to a European power." The Adams-Grant principle received an application twenty-five years later (1895), when President Cleveland intervened in a dispute between Great Britain and Venezuela, in order to prevent an alleged encroachment by the former country upon the Venezuelan boundary of British Guiana. Cleveland insisted that Great Britain arbitrate her differences with Venezuela, even threatening war in case of refusal. The British government finally yielded and accepted a settlement by arbitration. The most recent development of the Monroe Doctrine occurred during the administration of President Roosevelt. In 1902, when Great Britain, Germany, and Italy were endeavoring to collect by force certain pecuniary claims from Venezuela, Luis M. Drago, the minister of foreign affairs for Argentina, addressed a note to its diplomatic representative at Washington, laying down the broad principle that the public debts of American nations should never bring about any armed intervention, much less the actual occupation of their soil, by European powers. This principle was adopted by the second International Peace Conference at The Hague in 1907 and was made of general application, except in cases where the debtor nation refused to arbitrate or neglected to fulfill an arbitral decision.

The right to forbid new colonial dominions within the limits of this continent has been many times admitted by the public men of England. To her sympathy is due, it may be said, the great success which the Monroe doctrine achieved immediately on its publication. But in very recent times there has been observed a marked tendency among the publicists and in the various expressions of European opinion to call attention to these countries as a suitable field for future territorial expansion. Thinkers of the highest order have pointed out the desirability

[1] Alejandro Alvarez, *The Monroe Doctrine*, New York, 1924, pp. 190–191. Oxford University Press, American Branch.

of turning in this direction the great efforts which the principal powers of Europe have exerted for the conquest of sterile regions with trying climates and in remote regions of the earth. The European writers are already many who point to the territory of South America, with its great riches, its sunny sky, and its climate propitious for all products, as, of necessity, the stage on which the great powers, who have their arms and implements of conquest already prepared, are to struggle for the supremacy in the course of this century.

The human tendency to expansion, thus inflamed by the suggestions of public opinion and the press, may, at any moment, take an aggressive direction, even against the will of the present governing classes. And it will not be denied that the simplest way to the setting aside and easy ejectment of the rightful authorities by European governments is just this way of financial interventions — as might be shown by many examples. We in no wise pretend that the South American nations are, from any point of view, exempt from the responsibilities of all sorts which violations of international law impose on civilized peoples. We do not nor can we pretend that these countries occupy an exceptional position in their relations with European powers, which have the indubitable right to protect their subjects as completely as in any other part of the world against the persecutions and injustices of which they may be the victims. The only principle which the Argentine Republic maintains and which it would, with great satisfaction, see adopted, in view of the events in Venezuela, by a nation that enjoys such great authority and prestige as does the United States, is the principle, already accepted, that there can be no territorial expansion in America on the part of Europe, nor any oppression of the peoples of this continent, because an unfortunate financial situation may compel some one of them to postpone the fulfillment of its promises. In a word, the principle which she would like to see recognized is: that the public debt can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power.

429. Durham Report [1]

The relations between the original French population of Canada and the American "Tories" and British emigrants who settled there after the Revolutionary War long remained unfriendly. The antagonism between the two peoples was most marked in Lower Canada, where the French outnumbered the English three to one. After the failure of the Rebellion of 1837 Great Britain sent Lord Durham as High Commissioner to investigate the political system in Canada. In his Report Lord Durham recommended that Upper Canada (Ontario) and Lower Canada (Quebec) be joined in a legislative union, in order to bring about a peaceful fusion of Englishmen and Frenchmen under a common government. This action was immediately taken, thus preparing the way for the Dominion of Canada in 1867. The High Commissioner also recommended that the fullest liberty be accorded the legislature of the united provinces, so that in the future they should be uncontrolled by the mother country, except in foreign affairs and other matters of strictly imperial interest. His arguments for colonial self-government produced a lasting effect on British policy. Not only did Great Britain grant free parliamentary institutions to Canada, but she has also bestowed them upon her other white dominions in Australasia and South Africa.

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which I attribute the various practical grievances, and the present unsatisfactory condition of the North American Colonies. It is not by weakening, but strengthening the influence of the people on its Government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigour hitherto unknown, introduced into the administration of these Provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the Government of these

[1] *The Report of the Earl of Durham* (Third Edition), London, 1922, pp. 204–208, 229. Methuen and Company, Ltd.

great Colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American Colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power, is not to be thought of. To conduct their Government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way, than by administering the Government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these Colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the Government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence. . . .

I know that it has been urged, that the principles which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its own administrative functionaries, would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintaining our connection with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters

which do not affect their relations with the mother country. The matters, which so concern us, are very few. The constitution of the form of government, — the regulation of foreign relations, and of trade with the mother country, the other British Colonies, and foreign nations, — and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial Legislature; by the protection which the Colony derives from us against foreign enemies; by the beneficial terms which our laws secure to its trade; and by its share of the reciprocal benefits which would be conferred by a wise system of colonization.[1] . . .

But while I convince myself that such desirable ends would be secured by the Legislative Union of the two Provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained, by extending this Legislative Union over all the British Provinces in North America; and whether the advantages which I anticipate for two of them, might not, and should not in justice be extended over all. Such an union would at once decisively settle the question of races; it would enable all the Provinces to coöperate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British Empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a Colonial Legislature thus strong and thus self-governing, would desire to abandon the connection with Great Britain. On the contrary, I believe that the practical relief from undue interference, which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connection would only become more durable and advantageous, by having more of equality, of freedom, and of local independence. But at

[1] Lord Durham then went on to urge that the Canadian government should be British, and that the numerical superiority of the French in Lower Canada might be overcome by a legislative union of Upper Canada and Lower Canada, which would give an English-speaking majority.

any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that wisdom by which this world is ruled, it is written, that these countries are not for ever to remain portions of the Empire, we owe it to our honour to take good care, that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

430. Constitution of the British Empire League [1]

Gladstone, Bright, and other Liberal statesmen during the middle years of the nineteenth century regarded the grant of colonial self-government as the necessary and desirable preliminary to colonial independence. There was a general disinclination, on the part of such "Little Englanders," to maintain existing imperial responsibilities or to assume new ones. During the last fifty years, however, the advocates of a Greater Britain have labored zealously to strengthen in every way the bonds of union between the mother country and her daughters overseas. The Imperial Federation League (1884–1893) and its successor, the British Empire League (founded in 1895), have been especially active in propagating the imperial idea.

1. The Association to be called "The British Empire League."

2. It shall be the primary object of the League to secure the permanent unity of the Empire.

3. The following to be among the other principal objects of the League:

(a) To promote trade between the United Kingdom, the Colonies and India, and to advocate the holding of periodical meetings of representatives from all parts of the Empire for the discussion of matters of general commercial interest, and the consideration of the best means of expanding the national trade.

(b) To consider how far it may be possible to modify any laws or treaties which impede freedom of action in the making of reciprocal trade arrangements between the United Kingdom and the Colonies,

[1] *The British Empire Series*, London, 1902, vol. v, pp. 599–600. Kegan Paul, Trench, Trubner, and Company, Ltd.

or between any two or more British Colonies or Possessions.

(c) To promote closer intercourse between the different portions of the Empire by the establishment of cheaper and, where required, more direct steam, postal and telegraphic communication, preference to be given to routes not traversing Foreign Territory.

(d) To develop the principles on which all parts of the Empire may best share in its general defence; endeavoring to bring into harmony public opinion at Home and in the Colonies on this subject, and to devise a more perfect coöperation of the Military and Naval forces of the Empire with a special view to the due protection of the trade routes.

(e) To assimilate, as far as local circumstances permit, the laws relating to copyright, patents, legitimacy and bankruptcy, throughout the Empire.

4. The League shall use every constitutional means to bring about the objects for which it is established, and shall invite the support of men of all shades of political opinion throughout the Empire.

5. The League shall advocate the establishment of periodical Conferences to deal with such questions as may appear ripe for consideration, on the lines of the London Conference of 1887 and the Ottawa Conference of 1894.

431. A "Britannic Alliance" [1]

The British Empire, as at present constituted, is a complex and apparently inharmonious organization of protectorates, Crown colonies, self-governing Dominions, and Indian states. The empire lacks a central body representing all its members and capable of united action. Steps in the direction of closer union have been taken by means of imperial conferences. The first was held at London in 1887, on the occasion of Queen Victoria's Jubilee celebration of the fiftieth anniversary of her accession to the throne. The last conference, that of 1926, seems

[1] *Supplement to the American Journal of International Law*, vol. xxi (1927), pp. 21–22.

destined to have a place in history as a great constitutional convention, by its adoption of the Report of the Inter-Imperial Relations Committee. To the extent that the recommendations of the Report are made effective by general acceptance, executive action, and legislation they will form the constitutional basis of the British Empire. The following extract from the Report, dealing with the status of Great Britain and the Dominions, seems to foreshadow the creation of a "Britannic Alliance," in which Great Britain shall be first among equals.

The Committee are of the opinion that nothing would be gained by attempting to lay down a Constitution for the British Empire. Its widely scattered parts have very different characteristics, very different histories, and are at very different stages of evolution; while, considered as a whole, it defies classification and bears no real resemblance to any other political organization which now exists or has ever yet been tried.

There is, however, one most important element in it, which, from a strictly constitutional point of view, has now, as regards all vital matters, reached its full development — we refer to the group of self-governing-communities composed of Great Britain and the Dominions. Their position and mutual relation may readily be defined. They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.

A foreigner endeavouring to understand the true character of the British Empire by the aid of this formula alone would be tempted to think that it was devised rather to make mutual interference impossible than to make mutual coöperation easy.

Such criticism, however, completely ignores the historic situation. The rapid evolution of the Overseas Dominions during the last fifty years has involved many complicated adjustments of old political machinery to changing conditions. The tendency toward equality of status was both right and inevitable. Geographical and other conditions made this impossible of attainment by the way of federation. The only alternative was by the way of autonomy; and along this road it has been steadily

sought. Every self-governing member of the Empire is now master of its destiny. In fact, if not always in form, it is subject to no compulsion whatever.

But no account, however accurate, of the negative relations in which Great Britain and the Dominions stand to each other can do more than express a portion of the truth. The British Empire is not founded upon negations. It depends essentially, if not formally, on positive ideals. Free institutions are its life-blood; free coöperation is its instrument. Peace, security, and progress are among its objects. Aspects of all these great themes have been discussed at the present Conference; excellent results have been thereby obtained. And, though every Dominion is now, and must always remain, the sole judge of the nature and extent of its coöperation, no common cause will, in our opinion, be thereby imperilled.

Equality of status, so far as Britain and the Dominions are concerned, is thus the root principle governing our Inter-Imperial Relations. But the principles of equality and similarity, appropriate to *status*, do not universally extend to function. Here we require something more than immutable dogmas. For example, to deal with questions of diplomacy and questions of defence, we require also flexible machinery — machinery which can, from time to time, be adapted to the changing circumstances of the world. This subject also has occupied our attention. The rest of this Report[1] will show how we have endeavoured not only to state political theory, but to apply it to our common needs.

432. Mandates[2]

The mandatory system, as outlined in the Covenant of the League of Nations (Article 22), represents a departure from the usual method of disposing of enemy territories conquered in war. These territories, instead of being annexed, are to be governed by the conquerors as trustees, at their own expense and without any definite benefit to themselves. They must submit an annual report to the league, which has

[1] Signed by Lord Balfour as chairman of the committee.

[2] *The Treaties of Peace, 1919–1923*, New York, 1924, vol. i, pp. 19–20. Carnegie Endowment for International Peace.

final authority to pass judgment on the discharge of their trusteeship. The mandatory system rests, therefore, on the principle that backward and undeveloped countries, unable as yet to achieve or preserve independence, ought to be treated as international responsibilities, not as opportunities for national profit and aggrandizement.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situations of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or

military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

SECTION XXIII

INTERNATIONAL RELATIONS

433. The Law of Nations [1]

What is called international law arose as an attempt to frame rules acceptable to all nations and binding upon them in their relations with one another. These rules at first had most to do with the conduct of war. Hugo Grotius (1583-1645), the venerated founder of international law, lived during the Thirty Years' War and wrote his truly epoch-making treatise, *On the Law of War and Peace*, to lessen the horrors of that conflict. The book was published at Paris in 1625. Its success was remarkable. Gustavus Adolphus carried a copy about with him in his campaigns, and its leading doctrines were recognized and acted upon in the Peace of Westphalia. The Prolegomena (28–35) is here quoted.

I, for the reasons which I have stated, holding it to be most certain that there is among nations a common law of Rights which is of force with regard to war, and in war, saw many and grave causes why I should write a work on that subject. For I saw prevailing throughout the Christian world a license in making war of which even barbarous nations would have been ashamed; recourse being had to arms for slight reasons or no reason; and when arms were once taken up, all reverence for divine and human law was thrown away, just as if men were thenceforth authorized to commit all crimes without restraint.

And the sight of these atrocities had led many men, and these, estimable persons, to declare arms forbidden to the Christian, whose rule of life mainly consists in love to all men: and to this party sometimes John Ferus and our countryman Erasmus seem to approximate, men much devoted to peace, both ecclesiastical and civil: but they take this course, as I conceive, with the purpose with which, when things have been twisted one way, we bend them the other, in order to make them straight. But this attempt to drive things too far, is often so far from succeeding,

[1] William Whewell, *Hugonis Grotii; De Jure Belli et Pacis*, Cambridge, 1853, vol. i, pp. lix–lxii. University Press.

that it does harm; because the excess which it involves is easily detected; and then, detracts from the authority of what is said, even within the limits of truth. We are to provide a remedy for both disorders; both for thinking that nothing is allowable, and that everything is.

Moreover, having practised jurisprudence in public situations in my country with the best integrity I could give, I would now, as what remains to me, unworthily ejected from that country graced by so many of my labours,[1] promote the same subject, jurisprudence, by the exertion of my private diligence. Many, in preceding times, have designed to invest the subject with the form of an Art or Science; but no one has done this. Nor can it be done, except care be taken in that point which has never yet been properly attended to; — to separate Instituted Law from Natural Law. For Natural Law, as being always the same, can be easily collected into an Art: but that which depends upon institution, since it is often changed, and is different in different places, is out of the domain of Art; as the perceptions of individual things in other cases also is.

If, then, those who have devoted themselves to the study of true justice would separately undertake to treat of separate parts of Natural and Permanent Jurisprudence, omitting all which derives its origin from the will of man alone: — if one would treat of Laws; another, of Tributes; another, of the Office of Judges; another, of the mode of determining the Will of parties; another, of the Evidence of facts; we might, by collecting all these parts, form a complete body of such Jurisprudence.

What course *we* think ought to be followed in the execution of such a task, we show by act rather than by words, in this present work; in which is contained by far the noblest part of Jurisprudence.

For in the First Book (after a Preface concerning the origin of Rights and Laws), we have examined the question whether any war be just: next, in order to distinguish between public

[1] Grotius, a native of Delft, Holland, was condemned in 1618 to life imprisonment for taking part in civil disputes. He escaped, three years later, and went to Paris.

and private war, we have to explain the nature of sovereignty; what Peoples, what Kings, have it entire; what, partial; who, with a right of alienation; who, otherwise; and afterwards we have to speak of the duty of subjects to superiors.

The Second Book, undertaking to expound all the causes from which war may arise, examines what things are common, what are property, what is the right of persons over persons, what obligation arises from ownership, what is the rule of royal succession, what right is obtained by pact or contract, what is the force and interpretation of treaties, of oaths private and public, what is due for damage done, what is the sacredness of ambassadors, the right of burying the dead, and the nature of punishments.

The Third Book has for its subject, in the first place, what is lawful in war; and when it has drawn a distinction between that which is done with impunity, or may even, in dealing with foreigners, be defended as consistent with Rights; and that which is really free from fault; it then descends to the kinds of Peace and to Conventions in War.

434. Penn's European Parliament [1]

William Penn's services to the cause of religious freedom have long been recognized; his contribution to the peace movement is still not adequately appreciated. The *Essay towards the Present and Future Peace of Europe* appeared in 1693, when he was living in retirement in London. It came out at an opportune moment, for the War of the League of Augsburg had now begun to rage on the Continent and King William's War in colonial America. The tract was reprinted twice, but was not included in the original folio edition of the author's works. The fourth section, here quoted, contains Penn's proposal for a European Parliament, to function as a great court of international arbitration. Such a court, as he argues in the conclusion of the *Essay*, obeying "the same rules of justice and prudence by which parents and masters govern their families, and magistrates their cities, and estates their republics, and princes and kings their principalities and kingdoms," could preserve peace in war-vexed Europe.

[1] *The Peace of Europe, the Fruits of Solitude, and Other Writings by William Penn*, London, 1916, pp. 7–8. J. M. Dent and Sons, Ltd.

In my first section, I showed the desirableness of peace; in my next, the truest means to it; to wit, justice not war. And in my last, that this justice was the fruit of government, as government itself was the result of society which first came from a reasonable design in men of peace. Now if the sovereign princes of Europe, who represent that society, or independent state of men that was previous to the obligations of society, would, for the same reason that engaged men first into society, viz. love of peace and order, agree to meet by their stated deputies in a general diet, estates, or parliament, and there establish rules of justice for sovereign princes to observe one to another; and thus to meet yearly, or once in two or three years at farthest, or as they shall see cause, and to be styled, the Sovereign or Imperial Diet, Parliament, or State of Europe; before which sovereign assembly should be brought all differences depending between one sovereign and another that cannot be made up by private embassies before the sessions begin; and that if any of the sovereignties that constitute these imperial states shall refuse to submit their claim or pretensions to them, or to abide and perform the judgment thereof, and seek their remedy by arms, or delay their compliance beyond the time prefixed in their resolutions, all the other sovereignties, united as one strength, shall compel the submission and performance of the sentence, with damages to the suffering party, and charges to the sovereignties that obliged their submission. To be sure, Europe would quietly obtain the so much desired and needed peace to her harassed inhabitants; no sovereignty in Europe having the power and therefore cannot show the will to dispute the conclusion; and, consequently, peace would be procured and continued in Europe.

435. Disarmament in 1787 [1]

This reciprocal declaration by Great Britain and France, which was signed by the diplomatic representatives of the two countries at Versailles on October 27, 1787, constitutes the only instance of an agreement for the discontinuance of armaments ever entered into by European states until after the World War.

[1] *The Annual Register for 1787*, London, 1789, pp. 282–283.

I

The events which have taken place in the republic of the United Provinces,[1] appearing no longer to leave any subject of discussion, and still less of contest, between the two courts, the undersigned are authorized to ask, whether it is the intention of his most Christian majesty [2] to carry into effect the notification made on the 16th of September last, by his most Christian majesty's minister plenipotentiary, which, by announcing that succours would be given in Holland, have occasioned the naval armaments on the part of his majesty;[3] which armaments have become reciprocal.

If the court of Versailles is disposed to explain itself upon this subject, and upon the conduct to be adopted towards the republic, in a manner conformable to the desire which has been expressed on both sides, to preserve the good understanding between the two courts; and it being also understood, at the same time, that there is no view of hostility towards any quarter, in consequence of what has passed; his majesty, always anxious to concur in the friendly sentiments of his most Christian majesty, would agree with him, that the armaments, and in general all warlike preparations, should be discontinued on each side, and that the navies of the two nations should be again placed upon the footing of the peace establishment, as it stood on the first of January of the present year.

II

The intention of his majesty not being, and never having been, to interfere by force in the affairs of the republic of the United Provinces, the communication made to the court of London on the 16th of last month, by Monsieur Barthelemy, having had no other object than to announce to that court an intention, the

[1] Insults offered by the "patriots," or anti-Orange party, to the stadholder William V, who had married a niece of the king of Prussia, led in 1787 to an invasion of Holland and a temporary occupation of the country by a Prussian army. William V was then restored to full power, under the protection of Prussia and Great Britain.

[2] Louis XVI. [3] George III.

motives of which no longer exist, especially since the king of Prussia has imparted his resolution; his majesty makes no difficulty to declare, that he will not give any effect to the declaration above-mentioned; and that he retains no hostile view towards any quarter relative to what has passed in Holland. His majesty, therefore, being desirous to concur with the sentiments of his Britannic majesty for the preservation of the good harmony between the two courts, agrees with pleasure with his Britannic majesty, that the armaments, and in general all warlike preparations, shall be discontinued on each side; and that the navies of the two nations shall be again placed on the footing of the peace establishment, as it stood on the first of January of the present year.

436. The Holy Alliance [1]

This document was signed on September 26, 1815, by Alexander I, tsar of Russia, Francis I, emperor of Austria, and Frederick William III, king of Prussia. The signatures of other European sovereigns were subsequently added. George IV, the British Prince Regent, declined to sign it, on the constitutional ground that all acts of the Crown required the counter-signature of a minister, but he expressed his entire concurrence with its principles. The Pope and the Sultan were not invited to accede to the declaration. The Holy Alliance originated with Alexander I, who after the Napoleonic wars sincerely desired to provide some basis for a general confederation of Europe in the interest of universal peace and international morality. The association thus formed came to be erroneously considered a conspiracy against popular liberty, because of the reactionary policies followed by the European monarchs after 1815. As a matter of fact, the Holy Alliance never became effective; it was soon replaced by definite treaties between the great powers forming the European Concert. At the close of the nineteenth century, however, it furnished the inspiration for the Peace Circular of Nicholas II, which resulted in the first International Peace Conference of 1899.

Their Majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia, having, in consequence of the great events which have marked the course of the three last years in

[1] Edward Hertslet, *The Map of Europe by Treaty*, London, 1875–1891, vol. i, pp. 317–318.

Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope on it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the Powers, in their reciprocal relations, upon the sublime truths which the Holy Religion of our Saviour teaches;

They solemnly declare that the present Act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that Holy Religion, namely, the precepts of Justice, Christian Charity, and Peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of Princes, and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their Majesties have agreed on the following Articles:

1. Conformably to the words of the Holy Scriptures, which command all men to consider each other as brethren, the Three contracting Monarchs will remain united by the bonds of a true and indissoluble fraternity, and considering each other as fellow countrymen, they will, on all occasions and in all places, lend each other aid and assistance; and, regarding themselves towards their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect Religion, Peace, and Justice.

2. In consequence, the sole principle of force, whether between the said Governments or between their Subjects, shall be that of doing each other reciprocal service, and of testifying by unalterable good will the mutual affection with which they ought to be animated, to consider themselves all as members of one and the same Christian nation; the three allied Princes looking on themselves as merely delegated by Providence to govern three branches of the One family, namely, Austria, Prussia, and Russia, thus confessing that the Christian world, of which they and their people form a part, has in reality no other Sovereign than Him to whom alone power really belongs, because in Him alone are

found all the treasures of love, science, and infinite wisdom, that is to say, God, our Divine Saviour, the Word of the Most High, the Word of Life. Their Majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that Peace which arises from a good conscience, and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the Divine Saviour has taught to mankind.

3. All the Powers who shall choose solemnly to avow the sacred principles which have dictated the present Act, and shall acknowledge how important it is for the happiness of nations, too long agitated, that these truths should henceforth exercise over the destinies of mankind all the influence which belongs to them, will be received with equal ardour and affection into this Holy Alliance.

437. The Rush-Bagot Agreement [1]

The following proclamation by President James Monroe in 1818 embodies the substance of notes exchanged the preceding year between Richard Rush and Charles Bagot, relating to disarmament on the Great Lakes. This agreement has ever since been kept by the two countries that made it. The result has been the practical neutralization, for more than a century, of the water boundary between the United States and the Dominion of Canada.

Whereas, an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes

[1] W. M. Malloy, *Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1776–1909*, Washington, 1910, vol. i, p. 630. Senate Documents, 61st Congress, 2d session, vol. xlvii, No. 357.

by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is —

"On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

"On the Upper Lakes, to two vessels not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

438. The Congress of Panama [1]

The idea of a league or association of the American nations goes back to Simón Bolívar, the Liberator. As early as 1815, when he was an exile in the West Indies, he expressed the hope that the Isthmus of Panama, as a seat of international gatherings, might come to be for Americans what the Isthmus of Corinth was for the ancient Greeks.

[1] J. B. Lockey, *Pan-Americanism: its Beginnings*, New York, 1920, pp. 388–390. Macmillan Company.

"May God grant," he wrote in his *Letter from Jamaica*, "that some day we may have the happiness of installing there an august congress of the representatives of the republics, kingdoms, and empires, to discuss and study the high interests of peace and war with the nations of the other three parts of the world. This kind of coöperation may be established in some happy period of our regeneration." Such a congress was actually convoked in 1826 by Bolívar, who wished to secure European recognition of the Latin-American republics. Only the four continental states nearest the isthmus — Mexico, the Central-American Federation, Colombia, and Peru, — were represented. The delegates framed conventions establishing "a perpetual union, league, and confederation" and providing for mutual assistance in time of war. However, the acts of the Congress of Panama were never ratified by the states which sent delegates to it.

The congress of Panama will bring together all the representatives of America and a diplomatic agent of His Britannic Majesty. This congress seems to be destined to create a further-reaching, more extraordinary, stronger league than has ever been formed in the world. The Holy Alliance will be less powerful than this confederation, should England be willing to be a party as a constituent member. Mankind will bless a thousand times such a league for the public weal, and America as well as Great Britain will reap its benefits.

The relations of political communities would obtain a code of public law for their universal rule of conduct.

1. The New World would be formed by independent nations bound together by a common set of laws which would fix their foreign relations and would give them a conservative power in a general and permanent congress.

2. The existence of these new states would obtain new guarantees.

3. Spain would make peace[1] through respect for England, and the Holy Alliance would recognize these new rising nations.

4. Internal order would be preserved untouched, both among and within each of the different states.

5. No one would be weaker than the other, no one the stronger.

[1] The Spanish troops were withdrawn from the American continents in 1826, but many years passed before Spain consented to acknowledge the independent status of her former colonies.

6. A perfect balance would be established in this true new order of things.

7. The strength of all would come to the aid of the one suffering from a foreign enemy or anarchical factions.

8. Difference of origin and color would lose their influence and power.

9. America would have nothing more to fear from that awful monster which has devoured the island of Santo Domingo,[1] nor would there be any fear of the preponderance in numbers of the primitive inhabitants.

10. Social reform, in short, would have been attained under the blessed auspices of liberty and peace, but England should necessarily take in her hands the beam of the scales.

Great Britain would undoubtedly attain considerable advantages through this arrangement.

1. Her influence in Europe would progressively increase and her decisions [would] be like those of destiny.

2. America would serve her as a wealthy commercial domain.

3. America would be to her the center of her relations between Asia and Europe.

4. English subjects would be considered equal to the citizens of America.

5. The mutual relations between the two countries in time would become the same.

6. British characteristics and customs would be taken by Americans as standards of their future life.

7. In the advance of the centuries, there would be, perhaps, one single nation covering the world — the federal nation.

These ideas are in the mind of some Americans of the most prominent class; they are awaiting impatiently the initiation of this project in the Panama congress, which may be the occasion of consolidating the union of the new states with the British Empire.[2]

[1] Referring to the struggle of the Haitian blacks against Napoleon Bonaparte.

[2] Signed by Bolívar at Lima, February, 1826.

439. Declaration of Paris [1]

The plenipotentiaries of Great Britain, Austria, France, Russia, Sardinia, and Turkey, who met in conference after the Crimean war, not only attempted a new solution of the Eastern Question, but also took occasion to settle a number of long-disputed questions relating to the protection of commerce in time of war. The Declaration, to which they affixed their signatures in 1856, was subsequently accepted by forty countries unrepresented at the Congress of Paris, thus becoming a recognized doctrine of international law. The only important power to withhold its acceptance was the United States, which refused to sign unless enemy property (except contraband of war) was also exempted from capture at sea. The United States, however, has strictly conformed with all the articles of the Declaration ever since their promulgation. It is to be observed that the Declaration only determined general principles, leaving room for grave differences of view as to their application in detail. Thus, it did not define in any way the term "contraband" or state what constitutes an "effective" blockade. A common understanding on these points remains to be reached.

The Plenipotentiaries who signed the Treaty of Paris of the 30th of March, 1856, assembled in Conference,

Considering:

That Maritime Law, in time of War, has long been the subject of deplorable disputes;

That the uncertainty of the law and of the duties in such a matter, gives rise to differences of opinion between Neutrals and Belligerents which may occasion serious difficulties, and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point;

That the Plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their Governments are animated, than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned Plenipotentiaries, being duly authorised, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn Declaration:

[1] Edward Hertslet, *The Map of Europe by Treaty*, London, 1875–1891, vol. ii, pp. 1282–1283.

1. Privateering is, and remains abolished;

2. The Neutral Flag covers Enemy's Goods, with the exception of Contraband of War;

3. Neutral Goods, with the exception of Contraband of War, are not liable to capture under Enemy's Flag;

4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Governments of the Undersigned Plenipotentiaries engage to bring the present Declaration to the knowledge of the States which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned Plenipotentiaries doubt not that the efforts of their Governments to obtain the general adoption thereof, will be crowned with full success.

The present Declaration is not and shall not be binding, except between those Powers who have acceded, or shall accede, to it.

440. Geneva Convention of 1864 [1]

The Geneva Convention sprang out of a humanitarian movement promoted by Henri Dunant, a Swiss, who had witnessed the bloody battle of Solferino in the Austro-Sardinian war, and by private societies formed for the care of sick and wounded soldiers. The result was an international gathering at Geneva in 1864, attended by representatives of sixteen of the states invited. The Geneva Convention framed at this time met general acceptance throughout the civilized world. The experience gained in several great wars made it clear, however, that changes in the Convention were necessary. Accordingly a conference of representatives from thirty-five states met at Geneva in 1906 and framed a new and more elaborate Convention, which has been ratified by a majority of the powers. The Convention of 1864 gave no recognition to the International Red Cross or to voluntary aid societies, but the Convention of 1906 expressly recognizes them.

1. Ambulances and military hospitals shall be recognised as neutral, and, as such, shall be protected and respected by the bel-

[1] E. A. Whittuck, *International Documents*, London, 1908, pp. 3–5. Longmans, Green, and Company, Ltd.

ligerents, so long as there are any sick or wounded in them. Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

2. Persons belonging to hospitals and ambulances, including the staff for superintendence, medical service, administration, transport of wounded, as also chaplains, shall participate in the benefit of neutrality, while engaged in their functions and so long as there are any wounded to bring in or to succour.

3. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong. In these circumstances, when such persons abandon their functions, they shall be delivered, in charge of the occupying army, to the enemy's outposts.

4. As the material of military hospitals remains subject to the laws of war, the persons attached to such hospitals cannot, in withdrawing, carry away any objects except those which are their private property. An ambulance, on the contrary, in the same circumstances shall keep its material.

5. Inhabitants of the country who bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent powers shall be charged with the duty of informing the inhabitants of the appeal made to their humanity, and of the neutrality which will be the consequence of it. Any wounded man received and taken care of in a house shall serve as a protection to it. An inhabitant who shall have received wounded men into his house shall be exempted from the quartering of troops, as well as from a portion of the contributions of war which shall be imposed.

6. Wounded or sick men of an army shall be received and taken care of, to whatever nation they may belong. Commanders-in-chief shall be authorised to deliver immediately to the enemy's outposts soldiers who have been wounded in an engagement, when circumstances admit of it, and with the consent of both parties. Those who are recognised, after their wounds are healed, as incapable of serving, shall be sent back to their own

country. The others may likewise be sent back, on condition of not taking up arms again during the continuance of the war. Evacuations,[1] with the persons directing them, shall be covered by an absolute neutrality.

7. A distinctive and uniform flag shall be adopted for hospitals, ambulances, and evacuations. It must under all circumstances be accompanied by the national flag. An arm-badge[2] shall also be recognised for persons neutralised, but the delivery of it shall be left to the military authority. The flag and the arm-badge shall bear a red cross on a white ground.

8. The details of the execution of the present Convention shall be regulated by the Commanders-in-chief of the belligerent armies, according to the instructions of their respective Governments, and conformably to the general principles which are declared in this Convention.

441. The Pan-American Union [3]

The Pan-American ideal may be said to date back to 1826, when Simón Bolívar convoked the Congress of Panama, representing various Latin-American countries recently freed from Spanish rule. The United States was invited to participate in this gathering, and both President Adams and his Secretary of State, Henry Clay, favored acceptance of the invitation. After much debate Congress made the necessary appropriation to send delegates to Panama, but they did not arrive until after the congress had adjourned. The United States took no part in any subsequent gathering with Latin-American countries until 1889. In that year James G. Blaine, Secretary of State under President Harrison, and long an advocate of Pan-Americanism, presided over the first International American Conference at Washington. The delegates discussed a variety of subjects: reciprocity treaties, a uniform system of weights and measures, the adoption of a common silver coin, extradition, laws for the protection of patents and copyrights, and the formulation of a plan for arbitration of international disputes. One result of this meeting was the foundation in 1890 of the Pan-American Union, an organization maintained in Washington by the twenty-one republics of the New World. It is supported by quotas, which each republic contributes upon the basis of population, and is

[1] *I.e.*, Removals of sick or wounded. [2] Brassard.

[3] *Supplement to the American Journal of International Law*, vol. v (1911), pp. 7–8.

controlled by a governing board made up of the Secretary of State of the United States and the diplomatic representatives of Latin America in Washington. The purposes of this organization were stated by the fourth International American Conference (Buenos Aires, 1910) to be as follows:

1. To compile and distribute commercial information and prepare commercial reports.

2. To compile and classify information respecting the treaties and conventions between the American Republics and between these and other States, and respecting their legislation in force.

3. To supply information on educational matters.

4. To prepare reports on questions assigned to it by resolutions of the International American Conferences.

5. To assist in obtaining the ratification of the resolutions and conventions adopted by the Conferences.

6. To carry into effect all resolutions the execution of which may have been assigned or may hereafter be assigned to it by the International American Conferences.

7. To act as a permanent committee of the International American Conferences, recommending topics to be included in the programme of the next Conference. These subjects must be communicated to the various Governments forming the Union at least six months before the date of the meeting of the next Conference.

8. To submit within the same period a report to the various Governments on the work of the Pan-American Union during the term covered since the meeting of the last Conference, and also special reports on any matter which may have been referred to it for report.

9. To keep the records of the International American Conferences.

442. First Peace Circular of Nicholas II [1]

On August 24, 1898, the diplomatic representatives attending the weekly reception at the court of St. Petersburg were handed the circular

[1] *The Hague Conventions and Declarations of 1899 and 1907* (Second Edition), New York, 1915, pp. xv–xvi. Edited by J. B. Scott. Oxford University Press, American Branch.

note reproduced below. Though signed by Count Muraviev, Russian minister for foreign affairs, it expressed his royal master's aspirations for universal peace and led to the convocation of the first International Peace Conference at The Hague in the following year.

The maintenance of general peace and a possible reduction of the excessive armaments which weigh upon all nations present themselves, in the existing condition of the whole world, as the ideal towards which the endeavors of all Governments should be directed.

The humanitarian and magnanimous views of His Majesty the Emperor, my august master, are in perfect accord with this sentiment.

In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate aspirations of all Powers, the Imperial Government believes that the present moment should be very favorable for seeking, by means of international discussion, the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and above all of limiting the progressive development of existing armaments.

In the course of the last twenty years the longings for a general state of peace have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy. In its name great States have formed powerful alliances; and for the better guaranty of peace they have developed their military forces to proportions hitherto unknown and still continue to increase them without hesitating at any sacrifice.

All these efforts nevertheless have not yet led to the beneficent results of the desired pacification.

The ever-increasing financial charges strike and paralyze public prosperity at its source; the intellectual and physical strength of the nations, their labor and capital, are for the most part diverted from their natural application and unproductively consumed; hundreds of millions are spent in acquiring terrible engines of destruction, which though to-day regarded as the last word of science are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National

culture, economic progress, and the production of wealth are either paralyzed or perverted in their development.

Moreover, in proportion as the armaments of each Power increase, so do they less and less attain the object aimed at by the Governments. Economic crises, due in great part to the system of amassing armaments to the point of exhaustion, and the continual danger which lies in this accumulation of war material, are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of affairs be prolonged, it will inevitably lead to the very cataclysm which it is desired to avert, and the impending horrors of which are fearful to every human thought.

In checking these increasing armaments and in seeking the means of averting the calamities which threaten the entire world lies the supreme duty to-day resting upon all States.

Imbued with this idea, His Majesty has been pleased to command me to propose to all the Governments which have accredited representatives at the imperial Court the holding of a conference to consider this grave problem.

This conference would be, by the help of God, a happy presage for the century about to open. It would converge into a single powerful force the efforts of all the States which sincerely wish the great conception of universal peace to triumph over the elements of disturbance and discord. It would at the same time cement their agreement by a solemn avowal of the principles of equity and law, upon which repose the security of States and the welfare of peoples.

443. Final Act of the First International Peace Conference [1]

The first International Peace Conference met at The Hague on the birthday of Nicholas II, May 18, 1899, and adjourned on July 29. Twenty-six states were represented. The United States and Mexico were the only American countries to take part in the proceedings. The conference could not agree to limit armaments or military expenditures,

[1] *The Hague Conventions and Declarations of 1899 and 1907* (Second Edition), New York, 1915, pp. 1, 25–31. Edited by J. B. Scott. Oxford University Press, American Branch.

owing to the opposition of the great powers, particularly Germany. Nevertheless, agreements were reached relating to the pacific settlement of international disputes and to the regulation of warfare by land and sea. These are summarized in the Final Act here reproduced.

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague on the 18th May, 1899.[1] . . .

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the delegates above-mentioned has been to realize, in the fullest manner possible, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war on land.

III. Convention for the adaptation to maritime warfare of principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.
2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.
3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core or is pierced with incisions.

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed

[1] Here follow the names of the delegates to the conference.

up to the 31st December, 1899, by the plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

It has besides formulated the following *Vœux:*

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a special Conference having for its object the revision of that Convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the program of a Conference in the near future.

3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.

4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subsequent Conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

444. Final Act of the Second International Peace Conference [1]

Representatives of forty-four states, or practically all the civilized world, met at The Hague in 1907 as members of the second International Peace Conference. The conventions of the preceding conference were revised, new ones were adopted, and a judicial arbitration court, commonly known as the Hague Tribunal, was created.

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following Powers took part in the Conference, and appointed the delegates named below:[2] . . .

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference drew up, for submission for signature by the plenipotentiaries, the text of the Conventions and of the Declaration enumerated below and annexed to the present Act:[3] . . .

These Conventions and Declaration shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 30th June, 1908, at the Hague, by the plenipotentiaries of the Powers represented at the Second Peace Conference.

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the

[1] *The Hague Conventions and Declarations of 1899 and 1907* (Second Edition), New York, 1915, pp. 1, 25–31. Edited by J. B. Scott. Oxford University Press, American Branch.

[2] Here follow the names of the delegates to the conference.

[3] Here follows the list of Conventions, fourteen in number.

Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

It is unanimous —

1. In admitting the principle of compulsory arbitration.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw close together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference has further unanimously adopted the following Resolution:

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

It has besides expressed the following *Vœux:*

1. The Conference recommends to the signatory Powers the adoption of the annexed draft Convention for the creation of a Judicial Arbitration Court, and the bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the Court.

2. The Conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial

relations between the inhabitants of the belligerent States and neutral countries.

3. The Conference expresses the opinion that the Powers should regulate, by special treaties, the position, as regards military charges, of foreigners, residing within their territories.

4. The Conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the program of the next Conference, and that in any case the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the laws and customs of war on land.

Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference,[1] which might be held within a period corresponding to that which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the program of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

445. The Hague Tribunal[2]

Until 1899 no tribunal existed for the settlement by arbitration of disputes between the nations. The first International Peace Conference, which assembled in that year, took the momentous step of establishing a Permanent Court of Arbitration, with a Bureau and Secretariat at The Hague. Each signatory state agreed to choose not more than four jurists, competent in international law and of the highest moral reputation. Out of the number of possible judges thus brought into existence the parties to a dispute might select arbitrators, unless they preferred to settle it in some other way by arrangement between themselves. The second International Peace Conference, while making many improvements in the scheme of its predecessor, retained this method of selecting arbitrators. The Permanent Court, or Hague Tribunal, as it is generally called, is, therefore, not a court at all in the proper sense of the word, but merely a panel of names, or a list from which a court can be formed as required. The organization of the Permanent Court is set forth in detail in the revised Convention for the Pacific Settlement

[1] This proposed Conference was never held.

[2] *The Hague Court Reports*, New York, 1916, pp. lvii–lix. Edited by J. B. Scott. Oxford University Press, American Branch.

of International Disputes, as adopted by the Conference of 1907 (Articles 41–50). The four Articles immediately preceding deal with the system of arbitration in general. These are reproduced below.

37. International arbitration has for its object the settlement of disputes between States by judges of their own choice and on the basis of respect for law. Recourse to arbitration implies an engagement to submit in good faith to the award.

38. In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the contracting Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle. Consequently, it would be desirable that, in disputes about the above-mentioned questions, the contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

39. The arbitration convention is concluded for questions already existing or for questions which may arise eventually. It may embrace any dispute or only disputes of a certain category.

40. Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the contracting Powers, the said Powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

446. President Wilson's Fourteen Points [1]

The issues at stake in the World War became clearer as the struggle proceeded. When, on August 1, 1917, Pope Benedict XV proposed that the belligerent nations negotiate with one another on the basis of the situation existing before 1914, President Wilson answered, for both the United States and the Allies, that no enduring peace could be arranged with the autocratic and irresponsible German government. On December 2, 1917, the Bolshevist envoys at Brest-Litovsk brought forward their own proposals for ending the war through a congress of delegates chosen by the parliament of each country. Then on January 5, 1918, Mr. Lloyd George, in a speech before the Trade Union Conference at London, set forth more specifically than ever before the purposes of the Allies. Permanent peace could not come, the British premier

[1] *Congressional Record*, vol. lvi, pt. i, p. 691.

declared, until three conditions were fulfilled: first, the sanctity of treaties must be reëstablished; second, territorial settlements must be based on the right of the self-determination of nationalities, or the consent of the governed; and third, some international organization must be created to limit the burden of armaments and diminish the probability of future conflicts. This speech was followed on January 8, 1918, by President Wilson's address to Congress, setting forth Fourteen Points of a program for a just and lasting settlement. While the President spoke only for the United States, his Fourteen Points met general acceptance in Great Britain, France, and Italy as embodying the war aims of the Allies.

1. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

2. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

3. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

4. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

5. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interest of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

6. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest coöperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the

society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

7. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve, as this will serve, to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

8. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

9. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

10. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

11. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.

12. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an

undoubted security of life and an absolutely unmolested opportunity of autonomous development; and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

13. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

447. The League of Nations [1]

As soon as the Peace Conference met at Paris steps were taken to organize a League of Nations. A committee of delegates, representing fourteen countries and including President Wilson and Mr. E. W. House (United States), Lord Robert Cecil and General Smuts (Great Britain), M. Léon Bourgeois (France), Premier Orlando (Italy), and Baron Chinda (Japan), held daily sessions, and on February 14, 1919, presented a unanimous report to a plenary session of the Conference. The preliminary draft of the constitution, or Covenant, was subsequently modified as the result of world-wide discussion and on April 28 was again laid before the Conference. This amended document then became the first part of the peace treaty with Germany. The signing of the treaty by the Allied and Associated governments and its subsequent ratification set up the League of Nations in active operation. The first seven Articles of the Covenant relate to the organization of the league.

The High Contracting Parties,

In order to promote international coöperation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

[1] *The Treaties of Peace, 1919–1923*, New York, 1924, vol. i, pp. 10–13. Carnegie Endowment for International Peace.

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion, or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval, and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

2. The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

3. The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may not have more than three Representatives.

4. The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

[1] The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

5. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

[1] The amended Covenant has the following paragraph after the second paragraph of Article 4: "The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent members of the Council, and particularly such regulations as relate to their term of office and the conditions of reëligibility."

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

6. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

[1] The expenses of the Secretariat shall be borne by the Members of the League in accordance with the appointment of the expenses of the International Bureau of the Universal Postal Union.

7. The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

[1] This fifth paragraph of Article 6 has been amended to read as follows: "The expenses of the League shall be borne by the members of the League in the proportion decided by the Assembly."

448. The "World Court" [1]

The Covenant of the League of Nations provided for the establishment of a Permanent Court of International Justice to facilitate the peaceful settlement of disputes between the nations. Such a "World Court" was set up at The Hague, Holland, in 1922. All of the major countries, except Russia, Turkey, and the United States, and most of the minor countries have signified their adherence to this organization. Unlike the Hague Tribunal, it is a body of permanent judges holding regular sessions in a definite place and at definite times. It may hear and determine any justiciable question (one relating to the interpretation of a treaty or to a matter of international law), which is submitted to it by the parties concerned. It does not have compulsory jurisdiction, unless the parties agree in advance to accept such jurisdiction. The "World Court" also acts as legal adviser to the League of Nations, being empowered to give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly. The following Articles are extracted from the Statute for the Permanent Court of International Justice, as approved by the Assembly and adopted by the Council in 1920.

1. A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organised by the Convention of The Hague of 1899 and 1907,[2] and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

2. The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognised competence in international law.

3. The Court shall consist of fifteen members: eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

[1] League of Nations *Official Journal*, January–February, 1921, pp. 14–25.

[2] The so-called Hague Tribunal.

4. The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions. . . .

6. Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

9. At every election the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

13. The members of the Court shall be elected for nine years. They may be reëlected. They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

20. Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

21. The Court shall elect its President and Vice-President for three years; they may be reëlected. It shall appoint its Registrar. . . .

22. The seat of the Court shall be established at The Hague. The President and Registrar shall reside at the seat of the Court.

23. A session of the Court shall be held every year. . . . The President may summon an extraordinary session of the Court whenever necessary.

25. The full Court sit except when it is expressly provided otherwise. If eleven judges cannot be present, the number shall be made up by calling on deputy-judges to sit. If, however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

33. The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

34. Only States or Members of the League of Nations can be parties in cases before the Court.

36. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force. The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognise as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

(*a*) The interpretation of a Treaty.

(*b*) Any question of International Law.

(*c*) The existence of any fact which, if established, would constitute a breach of an international obligation.

(*d*) The nature and extent of the reparation to be made for the breach of an international obligation. . . . .

37. When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

38. The Court shall apply:

(*a*) International conventions, whether general or particular, establishing rules expressly recognised by the contesting States;

(*b*) International custom, as evidence of a general practice accepted as law.

(*c*) The general principles of law recognised by civilised nations;

(*d*) Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations. . . .

39. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English. . . .

42. The parties shall be represented by agents. They may have the assistance of counsel or advocates before the Court.

55. All questions shall be decided by a majority of the judges present at the hearing. In the event of an equality of votes, the President or his deputy shall have a casting vote.

56. The judgment shall state the reasons on which it is based. It shall contain the names of the judges who have taken part in the decision.

57. If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

59. The decision of the Court has no binding force except between the parties and in respect of that particular case.

60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

64. Unless otherwise decided by the Court, each party shall bear its own costs.

449. The Washington Conference on the Limitation of Armament [1]

The setting up of such agencies as the League of Nations and the "World Court" must be accompanied by partial or complete disarmament of the nations, if war is to be forever abolished from the civilized world. The United States became the pioneer in this movement by organizing a Conference on the Limitation of Armament. In response to President Harding's invitation, delegates of nine nations (United States, Great Britain, France, Italy, Belgium, Holland, Portugal, Japan, and China) met at Washington in November, 1921, to deal with the limitation of naval armament and, as connected therewith, the policy of the powers in the Far East. The conference continued in session until February, 1922. The delegates of the five principal naval powers signed a treaty agreeing to scrap or convert to peaceful uses sixty-eight capital ships, so to limit future construction that after a ten-year building holiday Great Britain and the United States should each have 525,000 tons, Japan 60 per cent of this tonnage, and France and Italy a still smaller per cent, and to restrict the size of capital ships, together with that of their guns. The naval treaty also contained an Article by which the powers pledged themselves not to strengthen or enlarge the fortifica-

[1] Senate Document, No. 124, 67th Congress, 2d Session, pp. 21–22.

tions of their possessions (the Hawaiian Islands and the Japanese Archipelago excluded) in the Pacific. These five powers were also signatories to a treaty by which they agreed not to use submarines as commerce destroyers, in all cases to observe the ordinary rules of visit and search of merchantmen, and to treat as a pirate any submarine commander who violates existing international law on the high seas. This treaty is reproduced below.

1. The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law: A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized. A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure. A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

2. The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

3. The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon, and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

4. The Signatory Powers recognize the practical impossibility

of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914 1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants; and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

5. The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties, the Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

450. The Locarno Conference [1]

An encouraging step toward the formation of a future "United States of Europe" was taken in 1925, when representatives of France, Great Britain, Germany, and other countries, assembled in conference at the Swiss town of Locarno, made a series of agreements providing for their future security. These agreements include a number of separate treaties: a Rhineland treaty of mutual guarantee between France and Germany and between Belgium and Germany, which is further guaranteed by Great Britain and Italy; and four arbitration treaties between Germany and France, Germany and Belgium, Germany and Poland, and Germany and Czechoslovakia. There are also agreements between France and Poland and France and Czechoslovakia. The Rhineland treaty arranges for a demilitarized zone along the Rhine, thus constituting a dike against war in a region that has been the scene of unrest and disturbance between France and Germany for over a thousand years. To reinforce the treaty Great Britain and Italy promise their military assistance to either nation which shall be the victim of aggression by the other. These two signatory powers are not

[1] *Final Protocol of the Locarno Conference*, London, 1925, pp. 5, 7. His Majesty's Stationery Office.

to take such action until an alleged violation of treaty has been referred to the Council of the League of Nations for a decision whether, in fact, it has been violated. The several arbitration pacts are intended to solve present and future disputes, particularly relating to boundaries between Germany and her neighbors in both western and eastern Europe. The Locarno agreements do not of themselves outlaw war in Europe, but by setting up the machinery for arbitration and conciliation they establish the strongest safeguards against the recurrence of hostilities that Europe has ever provided.

The representatives of the German, Belgian, British, French, Italian, Polish and Czechoslovak Governments, who have met at Locarno from the 5th to 16th October, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft treaties and conventions which respectively affect them and which, framed in the course of the present conference, are mutually interdependent: —

Treaty between Germany, Belgium, France, Great Britain and Italy (Annex A).

Arbitration Convention between Germany and Belgium (Annex B).

Arbitration Convention between Germany and France (Annex C).

Arbitration Treaty between Germany and Poland (Annex D).

Arbitration Treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialled *ne varietur*, will bear to-day's date, the representatives of the interested parties agreeing to meet in London on the 1st December next, to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above, France, Poland and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly

deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the Powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that, in reply to certain requests for explanations concerning Article 16 of the Covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F) should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly to bring about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in Article 8 of the Covenant of the League of Nations.

They undertake to give their sincere coöperation to the work relating to disarmament already undertaken by the League of Nations and to seek the realisation thereof in a general agreement.[1]

[1] Signed on October 16, 1925, by Hans Luther, Gustav Stresemann, Émile Vandervelde, Aristide Briand, Austen Chamberlain, Benito Mussolini, Al. Skrzynski, and Eduard Beneš.

SECTION XXIV

AGRICULTURE, COMMERCE, AND INDUSTRY

451. Inclosures[1]

The inclosure movement in England started during the latter part of the fifteenth century. Landowners, who now found more profit in sheep-breeding and cattle-raising than in tillage, began to seize the farm lands cultivated in common by the peasants and to evict entire parishes. These clearances went on for more than seventy-five years, to the great distress of country folk. Acts of Parliament to prohibit the " pulling down of towns " and to restore pasture lands to cultivation were inoperative, nor did royal proclamations for the same purpose prove to be effective. Sir Thomas More in his *Utopia*, written in the years 1515–1516, gives a very painful account of inclosures that he had witnessed. The translation quoted was first published in 1551.

For look in what parts of the realm doth grow the finest, and therefore dearest wool, there noblemen and gentlemen, yea and certain abbots, holy men, God wot, not contenting themselves with the yearly revenues and profits that were wont to grow to their forefathers and predecessors of their lands, nor being content that they live in rest and pleasure, nothing profiting, yea, much annoying the weal publique, leave no ground for tillage; they inclose all in pastures; they throw down houses; they pluck down towns; and leave nothing standing but only the church, to make of it a sheep-house. And as though you lost no small quantity of ground by forests, chases, laundes, and parks, those good holy men turn all dwelling-places and all glebe land into desolation and wilderness.

Therefore that one covetous and unsatiable cormorant and very plague of his native country may compass about and inclose many thousand acres of ground together within one pale or hedge, the husbandmen be thrust out of their own, or else either by covine and fraud, or by violent oppression, they be put

[1] Ralph Robinson, *Sir Thomas More's Utopia*, London, 1908, pp. 58–60. Edited by Robert Steele. Chatto and Windus.

besides it, or by wrongs and injuries they be so wearied that they be compelled to sell all. By one means therefore or by other, either by hook or crook, they must needs depart away, poor silly wretched souls — men, women, husbands, wives, fatherless children, widows, woful mothers with their young babes and their whole household small in substance, and much in number, as husbandry requireth many hands: away they trudge I say, out of their known and accustomed houses, finding no places to rest in. All their household-stuff, which is very little worth, though it might well abide the sale, yet being suddenly thrust out, they be constrained to sell it for a thing of naught. And when they have, wandering about, soon spent that, what can they else do but steal, and then justly, God wot, be hanged, or else go about a-begging. And yet then also they be cast in prison as vagabonds, because they go about and work not; whom no man will set a-work, though they never so willingly offer themselves thereto. For one shepherd or herdman is enough to eat up that ground with cattle, to the occupying whereof about husbandry many hands were requisite.

452. A Prayer for Landlords [1]

The popular indignation against the inclosing landlords of the sixteenth century is revealed in this prayer, which was inserted in the *Prayer Book* of Edward VI (1553).

The earth is thine [O Lord], and all that is contained therein; notwithstanding thou hast given the possession thereof unto children of men, to pass over the time of their short pilgrimage in this vale of misery: We heartily pray thee, to send thy holy Spirit into the hearts of them that possess the grounds, pastures, and dwelling places of the earth, that they, remembering themselves to be thy tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings, but so let them out to other, that the inhabitants thereof may both be able to

[1] *The Two Liturgies, A.D., 1549 and A.D. 1552: with Other Documents . . . of King Edward VI*, Cambridge, 1844, p. 458. Edited by Joseph Kettey. Parker Society Publications.

pay the rents, and also honestly to live, to nourish their families, and to relieve the poor: give them grace also to consider, that they are but strangers and pilgrims in this world, having here no dwelling place, but seeking one to come; that they, remembering the short continuance of their life, may be content with that that is sufficient, and not join house to house, nor couple land to land, to the impoverishment of other, but so behave themselves in letting out their tenements, lands, and pastures, that after this life they may be received into everlasting dwelling places: through Jesus Christ our Lord. Amen.

453. "The Rebels' Complaint" [1]

The inclosure movement resulted in the Peasants' Uprising of 1549. It was led by Robert Ket (or Kett), a Norfolk man of old family and some substance. He threw himself unselfishly and whole-heartedly into the agrarian movement. His purpose seems to have been not only the abolition of inclosures, but also the eradication of the whole landlord class. "The Rebels' Complaint," which he published at this time, was a revolutionary manifesto.

The pride of great men is now intolerable, but our condition miserable.

These abound in delights; and compassed with the fullness of all things, and consumed with vain pleasures, thirst only after gain, inflamed with the burning delights of their desires.

But ourselves, almost killed with labour and watching, do nothing all our life long but sweat, mourn, hunger, and thirst. Which things, though they seem miserable and base (as they are indeed most miserable), yet might be borne howsoever, if they which are drowned in the boiling seas of evil delights did not pursue the calamities and miseries of other men with too much insolent hatred. But now both we and our miserable condition is a laughing stock to these most proud and insolent men — who are consumed with ease and idleness. Which thing (as it may) grieveth us so sore and inflicteth such a stain of evil report, so that nothing is more grievous for us to remember, nor more unjust to suffer.

[1] Joseph Clayton, *Leaders of the People*, London, 1910, pp. 226–227. Martin Secker.

The present condition of possessing land seemeth miserable and slavish — holding it all at the pleasure of great men; not freely, but by prescription, and, as it were, at the will and pleasure of the lord. For as soon as any man offend any of these gorgeous gentlemen, he is put out, deprived, and thrust from all his goods.

How long shall we suffer so great oppression to go unrevenged?

For so far [have] they, the gentlemen, now gone in cruelty and covetousness, that they are not content only to take all by violence away from us, and to consume in riot and effeminate delights what they get by force and villainy, but they must also suck in a manner our blood and marrow out of our veins and bones.

The common pastures left by our predecessors for our relief and our children are taken away.

The lands which in the memory of our fathers were common, those are ditched and hedged in and made several; the pastures are enclosed, and we shut out. Whatsoever fowls of the air or fishes of the water, and increase of the earth — all these do they devour, consume, and swallow up; yea, nature doth not suffice to satisfy their lusts, but they seek out new devices, and, as it were, forms of pleasures to embalm and perfume themselves, to abound in pleasant smells, to pour in sweet things to sweet things. Finally, they seek from all places all things for their desire and the provocation of lust. While we in the meantime eat herbs and roots, and languish with continual labour, and yet are envied that we live, breathe, and enjoy common air!

Shall they, as they have brought hedges about common pastures, enclose with their intolerable lusts also all the commodities and pleasures of this life, which Nature, the parent of us all, would have common, and bringeth forth every day, for us, as well as for them?

We can no longer bear so much, so great, and so cruel injury; neither can we with quiet minds behold so great covetousness, excess, and pride of the nobility. We will rather take arms, and mix Heaven and earth together, than endure so great cruelty.

Nature hath provided for us, as well as for them; hath given

us a body and a soul, and hath not envied us other things. While we have the same form, and the same condition of birth together with them, why should they have a life so unlike unto ours, and differ so far from us in calling?

We see that things have now come to extremities, and we will prove the extremity. We will rend down hedges, fill up ditches, and make a way for every man into the common pasture. Finally, we will lay all even with the ground, which they, no less wickedly than cruelly and covetously, have enclosed. Neither will we suffer ourselves any more to be pressed with such burdens against our wills, nor endure so great shame, since living out our days under such inconveniences we should leave the commonwealth unto our posterity — mourning, and miserable, and much worse than we received it of our fathers.

Wherefore we will try all means; neither will we ever rest until we have brought things to our own liking.

We desire liberty and an indifferent[1] use of all things. This will we have. Otherwise these tumults and our lives shall only be ended together.

454. German Peasants in the Sixteenth Century[2]

The condition of German peasants in Luther's day has been described by a contemporary witness, Hans Beham, or Joannes Bœmus, who was chaplain to the Teutonic Knights at Ulm. His learned work, *The Customs, Laws, and Ceremonies of all Nations*, written in 1520, passed through many editions in the original Latin and received translation into several European languages. The author wrote purely for instruction, without ulterior motive, and his book represents the judgment of a competent, well-informed observer.

The fourth and last class of Germans are those who live on the land in villages and hamlets and who till that land, wherefore they are called *rustics*, or *countryfolk*. If they will believe it, their condition is very wretched and hard. They live apart from the rest, in lowly fashion, each with his own household and his beasts. Their cottages are of mud and timber, rising little

[1] *I.e.*, equal.

[2] Hans Beham, *Mores, leges, et ritus omnium gentium*, iii, 12. G. G. Coulton, *The Medieval Village*, Cambridge, 1925, pp. 22–23. University Press.

above the ground, and covered with straw. They feed on brown bread, oatmeal porridge, or boiled peas; they drink water or whey; they are clad in a linen coat, with boots of untanned leather and a dyed cap. They are ever an unquiet crew, laborious and unclean. They bring to the nearest town whatsoever each hath gained either from his field or from the produce of his flocks; and here they buy in return whatsoever each needeth; for they have few or no artificers dwelling among them. On holy-days they come all together in the morning to the church, whereof there is commonly one for each village; there they hear from their priest God's word and the sacrament; then, after noon, they treat of their own affairs under a linden-tree or in some other public place. After this, the younger folk dance to the sound of the pipe, while the elders go to the tavern and drink wine. None goeth unarmed in public; each hath his sword by his side for any chance emergency. Each village chooses two or four men whom they call *Ammeister;* these are umpires for disputes or contracts, and stewards of the estates; yet these have no administrative power; that resideth in the lords, or in their agents whom they appoint under the vernacular name of *bailiff*. The peasants have to work oftentimes in the year for their lord, tilling the fields, sowing and reaping and gathering into the barns, carrying wood, building, and digging ditches. There is nothing which this servile and wretched folk is not said to owe to these lords; nor is there aught which, if the lord bid them do it, they dare to refuse without peril; the defaulter is heavily punished. Yet there is nothing which they feel more hardly than this, that the greater part of the fields which they occupy are not their own, but belong to those lords from whom they must needs redeem them with a certain portion of their produce.

455. The Twelve Articles of the Peasants [1]

The German Peasants' Revolt of 1524–1525 was the outcome of social and economic discontent which gathered fresh impetus from the religious teaching of Luther and his followers. The movement began

[1] *Translations and Reprints*, vol. ii, No. 6, pp. 26–30. Translated by J. H. Robinson and Merrick Whitcomb.

not far from the Swiss frontier and spread with rapidity northward, until the greater part of Germany became involved. At first it was more like a strike than an armed insurrection or civil war. The less radical of the demands of the peasantry were presented in the Twelve Articles of 1525. Neither their place of origin nor their authorship is certainly known. There is little or nothing in this manifesto that may not be found in communistic pamphlets of the fifteenth century. The grievances expressed are the same, and the hope of a completely renovated society, with freedom for " all whom God Almighty had made free in Christ his Son," is the same. As the movement continued, it became increasingly radical. Its leaders called for the wholesale extirpation of tyrants, both clergy and nobles. Many cloisters and castles in central Germany were destroyed, and the class warfare was marked by excesses of every kind. Luther, after vain attempts at mediation, espoused the side of the rulers and issued a violent pamphlet against the insurgents. Both Lutheran and Catholic princes now united to crush the uprising. Their victory tended to divorce the Reformation in Germany from popular sympathies and to identify it with the aristocracy.

1. It is our humble petition and desire, as also our will and resolution, that in the future we should have power and authority so that each community should choose and appoint a pastor, and that we should have the right to depose him should he conduct himself improperly. The pastor thus chosen should teach us the Gospel pure and simple, without any addition, doctrine or ordinance of man. . . .

2. According as the just tithe is established by the Old Testament and fulfilled in the New, we are ready and willing to pay the fair tithe of grain. The word of God plainly provides that in giving according to right to God and distributing to His people the services of a pastor are required. We will that for the future our church provost, whomsoever the community may appoint, shall gather and receive this tithe. From this he shall give to the pastor, elected by the whole community, a decent and sufficient maintenance for him and his, as shall seem right to the whole community. What remains over shall be given to the poor of the place. . . . Should anything further remain, let it be kept, lest anyone should have to leave the country from poverty. Provision should also be made from this surplus to avoid laying any land tax on the poor. . . .

3. It has been the custom hitherto for men to hold us as their own property, which is pitiable enough, considering that Christ has delivered and redeemed us all, without exception, by the shedding of His precious blood, the lowly as well as the great. Accordingly, it is consistent with Scripture that we should be free and wish to be so. Not that we would wish to be absolutely free and under no authority. God does not teach us that we should lead a disorderly life in the lusts of the flesh, but that we should love the Lord our God and our neighbor. . . . We are thus ready to yield obedience according to God's law to our elected and regular authorities in all proper things becoming to a Christian. We, therefore, take it for granted that you will release us from serfdom, as true Christians, unless it should be shown us from the Gospel that we are serfs.

4. It has been the custom heretofore, that no poor man should be allowed to touch venison or wild fowl, or fish in flowing water, which seems to us quite unseemly and unbrotherly, as well as selfish and not agreeable to the word of God. In some places the authorities preserve the game to our great annoyance and loss, recklessly permitting the unreasoning animals to destroy to no purpose our crops, which God suffers to grow for the use of man, and yet we must remain quiet. This is neither godly nor neighborly. For when God created man he gave him dominion over all the animals, over the birds of the air and over the fish in the water. Accordingly it is our desire if a man holds possession of waters that he should prove from satisfactory documents that his right has been unwittingly acquired by purchase. We do not wish to take it from him by force, but his rights should be exercised in a Christian and brotherly fashion. But whosoever cannot produce such evidence should surrender his claim with good grace.

5. We are aggrieved in the matter of wood-cutting, for the noble folk have appropriated all the woods to themselves alone. If a poor man requires wood he must pay double for it. It is our opinion in regard to a wood which has fallen into the hands of a lord, whether spiritual or temporal, that unless it was duly purchased it should revert again to the community. . . .

6. Our sixth complaint is in regard to the excessive services demanded of us, which are increased from day to day. We ask that this matter be properly looked into so that we shall not continue to be oppressed in this way, but that some gracious consideration be given us, since our forefathers were required only to serve according to the word of God.

7. We will not hereafter allow ourselves to be further oppressed by our lords, but will let them demand only what is just and proper according to the word of the agreement between the lord and the peasant. The lord should no longer try to force more services or other dues from the peasant without payment, but permit the peasant to enjoy his holding in peace and quiet. The peasant should, however, help the lord when it is necessary, and at proper times, when it will not be disadvantageous to the peasant, and for a suitable payment.

8. We are greatly burdened by holdings which cannot support the rent exacted from them. The peasants suffer loss in this way and are ruined; and we ask that the lords may appoint persons of honor to inspect these holdings, and fix a rent in accordance with justice, so that the peasant shall not work for nothing, since the laborer is worthy of his hire.

9. We are burdened with a great evil in the constant making of new laws. We are not judged according to the offence, but sometimes with great ill will, and sometimes much too leniently. In our opinion we should be judged according to the old written law, so that the case shall be decided according to its merits, and not with partiality.[1]

10. We are aggrieved by the appropriation by individuals of meadows and fields which at one time belonged to a community. These we will take again into our own hands. It may, however, happen that the land was rightfully purchased, but, when the land has unfortunately been purchased in this way, some brotherly arrangement should be made according to circumstances.

11. We will entirely abolish the due called *Todfall*[2] and will

[1] This article denounces the new (Roman) law and demands the restoration of the old (German) law.

[2] *I.e.*, the heriot, or inheritance tax, requiring a widow to yield to her lord the best head of cattle or other valuable possessions.

no longer endure it, nor allow widows and orphans to be thus shamefully robbed against God's will, and in violation of justice and right, as has been done in many places, and by those who should shield and protect them. These have disgraced and despoiled us, and although they had little authority they assumed it. God will suffer this no more, but it shall be wholly done away with, and for the future no man shall be bound to give little or much.

12. It is our conclusion and final resolution, that if any one or more of the articles here set forth should not be in agreement with the word of God, as we think they are, such article we will willingly recede from, when it is proved really to be against the word of God by a clear explanation of the Scripture.

456. Prussian Reform Edict [1]

This royal ordinance was issued by Frederick William III in 1807, after the Peace of Tilsit, which inflicted such deep humiliation on Prussia. By the ordinance serfdom was abolished and certain ancient restrictions on landholding were removed.

1. Every inhabitant of our States is competent, without any limitation on the part of the State, to possess either as property or pledge landed estates of every kind: the nobleman therefore to possess not only noble but also non-noble, citizen and peasant lands of every kind, and the citizen and peasant to possess not only citizen, peasant, and other non-noble but also noble, pieces of land, without either the one or the other needing any special permission for any acquisition of land whatever, although, henceforward as before, each change of possession must be announced to the authorities.

2. Every noble is henceforth permitted without any derogation from his position, to exercise citizen occupations; and every citizen or peasant is allowed to pass from the peasant into the citizen class, or from the citizen into the peasant class.

9. Every feudal connection not subject to a Chief Proprietor, every family settlement and entail may be altered at pleasure or entirely abolished by a Family Resolution. . . .

[1] Sir J. R. Seeley, *Life and Times of Stein*, Boston, 1879, vol. i, pp. 295–297.

10. From the date of this Ordinance no new relation of villainage, whether by birth, or marriage, or acquisition of a villain holding, or by contract, can come into existence.

11. With the publication of the present Ordinance the existing condition of villainage of those villains with their wives and children who possess their peasant-holdings by hereditary tenures of whatever kind ceases entirely both with its rights and duties.

12. From Martinmas,[1] 1810, ceases all villainage in Our entire States. From Martinmas, 1810, there shall be only free persons, as this is already the case upon the Domains in all Our provinces; free persons, however, still subject, as a matter of course, to all the obligations which bind them as free persons by virtue of the possession of an estate or by virtue of a special contract.

457. Decree Emancipating the Russian Serfs [2]

Serfdom, which had lasted in Russia until after the middle of the nineteenth century, owed its abolition to Alexander II, who came to the throne in 1855. His father, Nicholas I, sacrificed all other interests to that of making Russia a great military power, only to suffer the humiliation of the Crimean war. Alexander II, a more benevolent and a wiser despot, realized that the time had now come for internal reforms and development of the natural resources of his vast realm. Little progress could be made in this direction as long as serfdom continued. The tsar's decree of emancipation was signed and published on March 3, 1861, the sixth anniversary of his accession. It freed nearly fifty million serfs.

In considering the various classes and conditions of which the State is composed we came to the conviction that the legislation of the empire having wisely provided for the organization of the upper and middle classes and having defined with precision their obligations, their rights, and their privileges, has not attained the same degree of efficiency as regards the peasants attached to the soil. . . .

These facts had already attracted the notice of our predecessors of glorious memory, and they had taken measures for

[1] November 11.

[2] *The Annual Register for 1861*, London, 1862, pp. 207–212.

improving the conditions of the peasants; but among those measures some were not stringent enough, insomuch that they remained subordinate to the spontaneous initiative of such proprietors who showed themselves animated with liberal intentions; and others, called forth by peculiar circumstances, have been restricted to certain localities or simply adopted as an experiment. . . . We thus came to the conviction that the work of a serious improvement of the condition of the peasants was a sacred inheritance bequeathed to us by our ancestors, a mission which, in the course of events, Divine Providence called upon us to fulfil. . . .

Having invoked the Divine assistance, we have resolved to carry this work into execution.

In virtue of the new dispositions above mentioned, the peasants attached to the soil will be invested within a term fixed by the law with all the rights of free cultivators. . . .

Aware of all the difficulties of the reform we have undertaken, we place above all things our confidence in the goodness of Divine Providence, who watches over the destinies of Russia.

We also count upon the generous devotion of our faithful nobility, and we are happy to testify to that body the gratitude it has deserved from us, as well as from the country, for the disinterested support it has given to the accomplishment of our designs. Russia will not forget that the nobility, acting solely upon its respect for the dignity of man and its love for its neighbour, has spontaneously renounced rights given to it by serfdom actually abolished, and laid the foundation of a new future, which is thrown open to the peasants. We also entertain the firm hope that it will also nobly exert its ulterior efforts to carry out the new regulation by maintaining good order, in a spirit of peace and benevolence, and that each proprietor will complete, within the limits of his property, the great civic act accomplished by the whole body, by organizing the existence of the peasants domiciliated on his estates, and of his domestics, under mutual advantageous conditions, thereby giving to the country population the example of a faithful and conscientious execution of the regulations of the State. . . .

And now we hope with confidence that the freed serfs, in the presence of the new future which is opened before them, will appreciate and recognize the considerable sacrifices which the nobility have made on their behalf. They will understand that the blessing of an existence supported upon the base of guaranteed property as well as a greater liberty in the administration of their goods, entails upon them, with new duties towards society and themselves, the obligation of justifying the protecting designs of the law by a loyal and judicious use of the rights which are now accorded to them. For if men do not labour themselves to insure their own well-being under the shield of the laws, the best of those laws cannot guarantee it to them. . . .

And now, pious and faithful people, make upon thy forehead the sacred sign of the cross, and join thy prayers to ours to call down the blessing of the Most High upon thy first free labours, the sure pledge of thy personal well-being and of the public prosperity.

458. International Institute of Agriculture [1]

A conference of representatives of forty nations, held at Rome in 1905, signed a convention creating the International Institute of Agriculture. The objects of this organization are set forth in Article IX.

The institute, confining its operations within an international sphere, shall —

1. Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

2. Communicate to parties interested, also as promptly as possible, all the information just referred to;

3. Indicate the wages paid for farm work;

4. Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them.

[1] *The Statutes at Large*, Washington, 1909, vol. xxxv, pt. ii, pp. 1920–1921.

5. Study questions concerning agricultural coöperation, insurance, and credit in all aspects; collect and publish information which might be useful in the various countries in the organization of the works connected with agricultural coöperation, insurance, and credit;

6. Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of the farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

459. First Navigation Act[1]

Cromwell's Navigation Act of 1651 has been much criticized from the point of view of theoretical economics. Adam Smith, speaking as a publicist and not as an economist, defended it as perhaps the wisest of English commercial regulations. Considerations of State policy, rather than abstract mercantilism, seem, indeed, to account for its enactment. Parliament wanted to promote the growth of the navy, break the commercial power of the Dutch, and protect the country against foreign foes. As a matter of fact all these things came to pass. The Act of 1651 was confirmed and strengthened by that of 1660, shortly after the Restoration. This restrictive legislation remained in force until the nineteenth century.

For the increase of the Shipping and the Encouragement of the Navigation of this Nation, which under the good Providence and Protection of God, is so great a means of the Welfare and Safety of this Commonwealth; Be it Enacted by this present Parliament, and the Authority thereof, That from and after the first day of December, One thousand six hundred fifty and one, and from thence forwards, no Goods or Commodities whatsoever, of the Growth, Production or Manufacture of Asia, Africa, or

[1] Henry Scobell, *A Collection of Acts and Ordinances of General Use, Made in the Parliament*, London, 1658, pt. ii, p. 176.

America, or of any part thereof; or of any Islands belonging to them, or any of them, or which are described or laid down in the usual Maps, or Cards of those places, as well of the English Plantations as others, shall be Imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their Possession, in any other Ship or Ships, Vessel or Vessels whatsoever, but onely in such as do truly and without fraud belong onely to the People of this Commonwealth or the Plantations thereof, as the Proprietors or right Owners thereof; and whereof the Master and Mariners are also for the most part of them, of the People of this Commonwealth, under the penalty of the forfeiture and loss of all the Goods that shall be Imported contrary to this Act; as also of the Ship (with all her Tackle, Guns and Apparel) in which the said Goods or Commodities shall be so brought in and Imported; the one moyety to the use of the Commonwealth, and the other moyety to the use and the behoof of any person or persons who shall seize the said Goods or Commodities, and shall prosecute the same in any Court of Record within this Commonwealth.

And it is further Enacted by the Authority aforesaid, That no Goods or Commodities of the Growth, Production or Manufacture of Europe, or of any part thereof, shall after the first day in December, One thousand six hundred fifty and one, be Imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their possession, or in any Ship or Ships, Vessel or Vessels, whatsoever, but in such as do truly and without fraud belong onely to the people of this Commonwealth, . . . and in no other, except onely such forein Ships or Vessels as do truly and properly belong to the people of that Countrey or Place, of which the said Goods are the Growth, Production or Manufacture; or to such Ports where the said Goods can onely be, or most usually are first shipped for Transportation; And that under the same penalty of forfeiture and loss expressed in the former Branch of this Act, the said forfeitures to be recovered and imployed as is therein expressed.

And it is further Enacted by the Authority aforesaid, That no Goods or Commodities that are of Forein Growth, Production, or Manufacture, and which are to be brought into this Commonwealth, in Shipping belonging to the People thereof, shall be by them Shipped or brought from any other place or places, Countrey or Countreys, but onely from those of their said Growth, Production, or Manufacture; or from those Ports where the said Goods or Commodities can onely, or are, or usually have been first shipped for Transportation; and from none other Places or Countreys, under the same penalty of forfeiture and loss expressed in the first Branch of this Act, the said forfeitures to be recovered and imployed as is therein expressed.

460. The Bank of England [1]

The Bank of England, the first of the great modern banks, was founded by a group of subscribers, chiefly London merchants, who made a loan to the government of William and Mary and received, in turn, a charter granting them the right to accept deposits and lend money at interest. The credit for its foundation belongs mainly to an able and energetic Scotsman, William Paterson. His tract, *A Brief Account of the Intended Bank of England* (1694), answers the numerous objectors to the scheme and then proceeds to give an admirable exposition of banking principles.

But to leave the objectors to compare notes, reconcile their notions, and answer one another, it may be to better purpose to pen some brief account of the nature of this intended bank, with the good effects and consequences which may be expected therefrom; and, in the first place, it is necessary to premise, whatever our notionists may imagine to the contrary, —

1st, That all money or credit, not having an intrinsic value to answer the contents or denomination thereof, is false or counterfeit, and the loss must fall one where or other.

2d, That the species of gold and silver being accepted and chosen by the commercial world as the standard or measure of other effects, everything else is only counted valuable as compared with them.

[1] Saxe Bannister, *William Paterson*, Edinburgh, 1858, pp. 86–90.

3d, Wherefore, all credit not founded on the universal species of gold and silver is impeachable, and can never subsist either safely or long — at least till some other species of credit be found out and chosen by the trading part of mankind, over and above, or in lieu thereof.

Thus, having said what a bank ought to be, it remains to shew what this is designed, and wherein it will consist.

This bank will consist in a revenue and income of eight per cent. per annum, for and upon the money subscribed; and what profits and improvements can be made from the business or credit of the bank, will be divided among the proprietors. Thus, this company or corporation will exceed all others of that kind known in the commercial world. For here will be eight per cent. per annum certain upon the capital, and as good and great a probability of other profits as ever any company had; and, as to the security of the bank, for such as may entrust their effects therein, it will be clear and visible, and every way equal to, if not exceeding, the best in Christendom. For the other funds or banks in the Christian world, at best have only effects to answer, without pretending to have anything over. Nor are they corroborated by the interest, property, and estates of private men, that of Genoa[1] only excepted. But this bank will always have £1,200,000, or £100,000 per annum, over and above effects, to answer whatever credit they may have. For the company will be obliged never to make any dividend but out of the yearly profits arising from their capital stock or fund; nor will they ever make any dividend out of the profits, until after two months' notice, that such as apprehend the security will be weakened thereby may have an opportunity to withdraw their effects before the same be made. Thus, a society of private men will be obliged, by their estates and interests, to strengthen and corroborate the public security of this bank. . . .

It is an infallible sign that money abounds and is plentiful, when the interest thereof is low; for interest or forbearance is the price of money as it is lent; and if money be plentiful, people will thereby be enabled or induced to trade and pur-

[1] A medieval foundation.

chase, as by the plenty of money other things must in proportion bear the better price. And if the proprietors of the bank can circulate their foundation of £1,200,000, without having more than £200,000 or £300,000 lying dead at one time with another, this bank would be in effect as £900,000 or £1,000,000 of fresh money brought into the nation; and £9,000,000 or £10,000,000 that must have been employed in doing what the bank will supply, may be employed to other purposes. And as the effects in this bank will be a growing and increasing money, and bring great advantage to trade by the secure, easy, and convenient way of receipts and payments therein — by its safety from fire, thieves, and other disasters, which gold and silver are liable to — by its giving a profit upon a great part of the running cash of the nation, the practice of which will naturally and gradually lower the interest of money, as it has done in Holland, Genoa, and all other places where banks and public funds are used: all this will render it the highest interest of the government and the people, to preserve, maintain, and improve it in all time to come.

461. The Royal Exchange [1]

The essays which Joseph Addison wrote for the *Spectator*, a journal to which he and his friend Richard Steele were the principal contributors, have always since their publication been considered to be models of pure English style. Their place in literature is secure. Historically, also, they have much value as a picture of English life and manners in the opening years of the eighteenth century, before the industrial, commercial, and agricultural revolutions of that century. The essay here quoted appeared in the *Spectator* for May 19, 1711.

This grand scene of business gives me an infinite variety of solid and substantial entertainments. . . . I am wonderfully delighted to see such a body of men thriving in their own private fortunes, and at the same time promoting the public stock; or in other words, raising estates for their own families, by bringing into their country whatever is wanting, and carrying out of it whatever is superfluous.

[1] *Essays of Joseph Addison*, London, 1915, vol. i, pp. 271–274. Edited by Sir J. G. Frazer, Macmillan and Company, Ltd.

Nature seems to have taken a particular care to disseminate her blessings among the different regions of the world, with an eye to this mutual intercourse and traffic among mankind, that the natives of the several parts of the globe might have a kind of dependence upon one another, and be united together by their common interest. Almost every degree[1] produces something peculiar to it. The food often grows in one country, and the sauce in another. The fruits of Portugal are corrected by the products of Barbadoes; the infusion of a China plant sweetened with the pith of an Indian cane. The Philippic[2] Islands give a flavour to our European bowls. The single dress of a woman of quality is often the product of an hundred climates. The muff and the fan come together from the different ends of the earth. The scarf is sent from the torrid zone, and the tippet from beneath the pole. The brocade petticoat rises out of the mines of Peru, and the diamond necklace out of the bowels of Indostan.

If we consider our own country in its natural prospect, without any of the benefits and advantages of commerce, what a barren, uncomfortable spot of earth falls to our share! Natural historians tell us, that no fruit grows originally among us, besides hips and haws, acorns and pig-nuts, with other delicacies of the like nature; that our climate of itself, and without the assistances of art, can make no further advances towards a plum than to a sloe, and carries an apple to no greater a perfection than a crab; that our melons, our peaches, our figs, our apricots, and cherries, are strangers among us, imported in different ages, and naturalized in our English gardens; and that they would all degenerate and fall away into the trash of our own country, if they were wholly neglected by the planter, and left to the mercy of our sun and soil. Nor has traffic more enriched our vegetable world, than it has improved the whole face of nature among us. Our ships are laden with the harvest of every climate: our tables are stored with spices, and oils, and wines: our rooms are filled with pyramids of China, and adorned

[1] Of latitude.
[2] Philippine.

with the workmanship of Japan: our morning's draught comes to us from the remotest corners of the earth: we repair our bodies by the drugs of America, and repose ourselves under Indian canopies. My friend calls the vineyards of France our gardens, the Spice-islands our hot-beds, the Persians our silk-weavers, and the Chinese our potters. Nature indeed furnishes us with the bare necessaries of life, but traffic gives us a great variety of what is useful, and at the same time supplies us with everything that is convenient and ornamental. Nor is it the least part of this our happiness, that whilst we enjoy the remotest products of the north and south, we are free from those extremities of weather which give them birth; that our eyes are refreshed with the green fields of Britain, at the same time that our palates are feasted with fruits that rise between the tropics.

For these reasons there are no more useful members in a commonwealth than merchants. They knit mankind together in a mutual intercourse of good offices, distribute the gifts of nature, find work for the poor, add wealth to the rich, and magnificence to the great. Our English merchant converts the tin of his own country into gold, and exchanges his wool for rubies. The Mahometans are clothed in our British manufacture, and the inhabitants of the frozen zone warmed with the fleeces of our sheep. . . . Trade, without enlarging the British territories, has given us a kind of additional empire: it has multiplied the number of the rich, made our landed estates infinitely more valuable than they were formerly, and added to them an accession of other estates as valuable as the lands themselves.

462. Free Trade Petition [1]

Great Britain, the home of the Industrial Revolution, enjoyed for some time after the Napoleonic wars a virtual monopoly in most lines of industry. Having no reason to fear the competition of foreign manufactures, it was to her economic advantage to lower or abolish the duties on imports, especially those on raw materials. The arguments in favor of this action are well summarized in a petition presented to the House of Commons in 1820.

[1] F. W. Hirst, *Free Trade and Other Fundamental Doctrines of the Manchester School*, New York and London, 1903, pp. 118–121. Harper and Brothers.

That foreign commerce is eminently conducive to the wealth and prosperity of a country, by enabling it to import the commodities for the production of which the soil, climate, capital, and industry of other countries are best calculated, and to export in payment those articles for which its own situation is better adapted.

That freedom from restraint is calculated to give the utmost extension to foreign trade, and the best direction to the capital and industry of the country.

That the maxim of buying in the cheapest market and selling in the dearest, which regulates every merchant in his individual dealings, is strictly applicable as the best rule for the trade of the whole nation.

That a policy founded on these principles would render the commerce of the world an interchange of mutual advantages, and diffuse an increase of wealth and enjoyments among the inhabitants of each State.

That, unfortunately, a policy the very reverse of this has been, and is, more or less, adopted and acted upon by the Government of this and of every other country. . . .

That the prevailing prejudices in favour of the protective or restrictive system may be traced to the erroneous supposition that every importation of foreign commodities occasions a diminution or discouragement of our own productions to the same extent, whereas it may be clearly shown that although the particular description of production which could not stand against unrestrained foreign competition would be discouraged, yet, as no importation could be continued for any length of time without a corresponding exportation, direct or indirect, there would be an encouragement, for the purpose of that exportation, of some other production to which our situation might be better suited, thus affording at least an equal, and probably a greater, and certainly a more beneficial employment to our own capital and labour. . . .

That, among the other evils of the restrictive or protective system, not the least is, that the artificial protection of one branch of industry, or source of production, against foreign com-

petition, is set up as a ground of claim by other branches for similar protection, so that if the reasoning upon which these restrictive or prohibitory regulations are founded were followed out consistently, it would not stop short of excluding us from all foreign commerce whatsoever. . . .

That nothing would more tend to counteract the commercial hostility of foreign States than the adoption of a more enlightened and more conciliatory policy on the part of this country.

That, although, as a matter of mere diplomacy, it may sometimes answer to hold out the removal of particular prohibitions, or high duties, as depending upon corresponding concessions by other States in our favour, it does not follow that we should maintain our restrictions in cases where the desired concessions on their part cannot be obtained. Our restrictions would not be the less prejudicial to our capital and industry because other Governments persisted in preserving impolitic regulations. . . .

That in thus declaring, as your petitioners do, their conviction of the impolicy and injustice of the restrictive system, and in desiring every practicable relaxation of it, they have in view only such parts of it as are not connected, or are only subordinately so, with the public revenue.

463. Foundation of the Anti-Corn-Law League [1]

One feature of the free-trade movement in Great Britain was the agitation for the repeal of the Corn Laws. These laws restricted or entirely prohibited the importation of wheat or other grains, in the interest of British farmers and landlords. Manufacturers, on the other hand, objected to legislation which made food dear for the working classes. An Anti-Corn-Law League was organized in 1839 at Manchester, under the able leadership of Richard Cobden and John Bright. The success of its agitation was hastened by a partial failure of crops in England and by the Potato Famine in Ireland, occurrences which raised food prices enormously and caused acute distress in both countries. The Corn Laws were finally repealed in 1846. The original Resolutions of the Manchester Association are reproduced below.

[1] Archibald Prentice, *History of the Anti-Corn-Law League*, London, 1853, vol. i, pp. 101–102.

1. That this meeting of representatives from all the great sections of our manufacturing and commercial population, solemnly declare it to be their conviction that the prosperity of the great staples upon which their capital and industry are employed, is in imminent danger from the operation of the laws which interdict or interfere with the exchange of their productions for the corn [1] and other produce of foreign nations, and thus check our trade, and artificially enhance the price of food in this country; and believing that the facts upon which this judgment is formed are little known, and of such national importance as to call for their disclosure before the people's representatives, they earnestly recommend that petitions be immediately forwarded from all parts of the kingdom, praying to be heard by counsel and evidence at the bar of the House of Commons in the approaching session of Parliament.

3. That the agricultural proprietor, capitalist, and labourer are benefited equally with the trader, by the creation and circulation of the wealth of the country; and this meeting appeals to all those classes to coöperate for the removal of a monopoly which, by restricting the foreign commerce of the country, retards the increase of population, and restrains the growth of towns; thus depriving them of the manifold resources to be derived from the augmenting numbers and wealth of the country.

4. That this meeting cannot separate without expressing its deep sympathy with the present privations of that great and valuable class of their countrymen who earn their daily bread by the sweat of their brow; many of whom are now suffering from hunger in the midst of boundless fields of employment, rendered unproductive solely by those unjust laws which prevent the exchange of the products of their industry for the food of other countries. So long as a plentiful supply of the first necessaries of life is denied by acts of the British legislature to the great body of the nation, so long will the government and the country be justly exposed to all the evils resulting from the discontent of the people. With a view to avert so great a danger by an act of

[1] "Corn" to an Englishman means wheat; to a Scotsman or an Irishman, oats; and to an American, maize, or Indian corn.

universal justice, this meeting pledges itself to a united, energetic, and persevering effort for the total and immediate repeal of all laws affecting the free importation of grain.

464. Children in Factories [1]

The Industrial Revolution in England produced many industrial evils. The crowded factories were unsanitary. Hours of labor were too long. Wages were on the starvation level. Furthermore, the use of machinery encouraged the employment of women and children, for whose labor there had been previously little demand outside the home. Their excessive toil amid unhealthy surroundings often developed disease and deformity or brought premature death. Little effort was made at first to remedy these evils, for the government followed the *laissez-faire*, or "let-alone," policy. The greatest good to the greatest number, it was said, could only be secured when "economic laws" of supply and demand were allowed to determine wages and conditions of employment, just as they determined the prices, quantity, and quality of commodities produced. "Let alone" naturally became the watchword of selfish employers, to whose avarice it gave full rein. Yet there were also humane employers, who felt that the State ought to protect those who could not protect themselves. One was Sir Robert Peel, father of the distinguished statesman of that name. He succeeded in securing the enactment of the first Factory Act (1802). It prohibited the binding-out for labor of pauper apprentices under nine years of age, restricted their working hours to twelve a day, and forbade night work. This measure applied only to cotton mills. The second Factory Act (1819) was in the main merely an extension of the previous Act to the protection of children who were not pauper apprentices. This measure was largely the outcome of the efforts of a great manufacturer, Robert Owen, afterward well known for his experiments in coöperation. The evidence of Owen and Peel before the Parliamentary committee in 1816 is reproduced below.

I

Have you [2] anything to add to your evidence of yesterday? — Some questions were put to me yesterday respecting the early age at which children are employed at Stockport; I knew I had

[1] *Report of Committee on Children in Manufactories*, 1816, vol. iii, pp. 89 and 132–133. A. E. Bland, P. A. Brown, and R. H. Tawney, *English Economic History: Select Documents*, London, 1914, pp. 502–505. G. Bell and Sons, Ltd.

[2] Robert Owen.

made a memorandum at the time, but I could not then put my hand upon it; I have since found it; and I can now reply to the questions regarding those cases. Mr. George Oughton, secretary to the Sunday school in Stockport, informed me about a fortnight ago, in the presence of an individual, who will probably be here in the course of the morning, that he knows a little girl of the name of Hannah Downham, who was employed in a mill at Stockport at the age of four. Mr. Turner, treasurer of the Sunday school, knows a boy that was employed in a mill at Stockport when he was only three years old. Mr. Turner and Mr. Oughton, if they were sent for, would, I have no doubt, state these cases before the Committee.

They were mentioned to you as a rare instance? — They were mentioned to me in the midst of a very numerous assembly of very respectable people; I inquired of them whether they knew, as they were surrounded with, I believe, two or three thousand children at the time, what was the age at which children were generally admitted into cotton mills; their answer was, Some at five, many at six, and a greater number at seven. I have also received very important information from a very respectable individual at Manchester, relative to the age at which children are employed, the hours they are kept to work, and a variety of other particulars from very authentic sources.

Name those sources? — Mr. Nathaniel Gould and Mr. George Gould.

Does the information you propose to give come from the manufactory to which it relates? — No manufacturer would give information against himself.

State what you know relative to the number of hours which children and others are employed in their attendance on mills and manufactories? — About a fortnight ago I was in Leeds; and in conversation with Mr. Gott, whose name is well known to many gentlemen in this room, he stated to me that it was a common practice, when the woolen trade was going on well, to work sixteen hours in the day: I was also informed by Mr. Marshall, who is another principal, and considered a highly respectable manufacturer in Leeds, that it was a common prac-

tice to work at flax-mills there sixteen hours a day whenever the trade went well: I was also informed by Mr. Gott, that when the Bill, generally known by the name of Sir Robert Peel's Bill, was brought in last session of Parliament, the night-work at Leeds was put an end to. In Stockport, on Sunday fortnight, I saw a number of small children going to the church; they appeared to to be going from a Sunday school; the master was with them; I stopped the master, and asked him what he knew of the circumstances of the manufacturers in Stockport; he said he knew a great deal, because he himself had formerly, for many years, been a spinner in those mills; his name is Robert Mayor, of the National School in Stockport; he stated that he was willing to make oath that mills in Stockport, within the last twelve months, had been worked from three and four o'clock in the morning until nine at night, that he himself has frequently worked those hours.

II

The house in which I [1] have a concern gave employment at one time to near one thousand children of this description. Having other pursuits, it was not often in my power to visit the factories, but whenever such visits were made, I was struck with the uniform appearance of bad health, and, in many cases, stunted growth of the children; the hours of labour were regulated by the interest of the overseer, whose remuneration depending on the quantity of the work done, he was often induced to make the poor children work excessive hours, and to stop their complaints by trifling bribes. Finding our own factories under such management and learning that the like practices prevailed in other parts of the kingdom where similar machinery was in use, the children being much over-worked, and often little or no regard being paid to cleanliness and ventilation in the buildings; having the assistance of Dr. Percival and other eminent medical gentlemen of Manchester, together with some distinguished characters both in and out of Parliament, I brought in a Bill in the Forty-second year of the King, for the regulation of factories containing

[1] Sir Robert Peel.

such parish apprentices.[1] The hours of work allowed by that Bill being fewer in number than those formerly practised, a visible improvement in the health and general appearance of the children soon became evident, and since the complete operation of the Act contagious disorders have rarely occurred.

Diffident of my own abilities to originate legislative measures, I should have contented myself with the one alluded to, had I not perceived, that, owing to the present use of steam power in factories, the Forty-second of the King is likely to become a dead letter. Large buildings are now erected, not only as formerly on the banks of streams, but in the midst of populous towns, and instead of parish apprentices being sought after, the children of the surrounding poor are preferred, whose masters being free from the operation of the former Act of Parliament are subjected to no limitation of time in the prosecution of their business, though children are frequently admitted there to work thirteen to fourteen hours per day, at the tender age of seven years, and even in some cases still younger. I need not ask the Committee to give an opinion of the consequence of such a baneful practice upon the health and well-being of these little creatures, particularly after having heard the sentiments of those eminent medical men who have been examined before us; but I most anxiously press upon the Committee, that unless some parliamentary interference takes place, the benefits of the Apprentice Bill will soon be entirely lost, the practice of employing parish apprentices will cease, their places will be wholly supplied by other children, between whom and their masters no permanent contract is likely to exist, and for whose good treatment there will not be the slightest security. Such indiscriminate and unlimited employment of the poor, consisting of a great proportion of the inhabitants of trading districts, will be attended with effects to the rising generation so serious and alarming, that I cannot contemplate them without dismay, and thus that great effort of British ingenuity, whereby the machinery of our manufactures has been brought to such perfection, instead of being a blessing to the nation, will be converted into the bitterest curse.

[1] This was the first Factory Act.

Gentlemen, if parish apprentices were formerly deemed worthy of the care of Parliament, I trust you will not withhold from the unprotected children of the present day an equal measure of mercy, as they have no masters who are obliged to support them in sickness or during unfavourable periods of trade.

465. Address of the Lancashire Operatives [1]

The Acts of 1802 and 1819 marked only the first steps toward factory legislation. Philanthropists and social reformers now began to take up the cause of the oppressed workers, and on the floor of Parliament, on the platform, in the pulpit, and in the newspapers conducted an agitation for additional measures of government regulation. Prominent among them were Michael Sadler in the House of Commons and Lord Ashley (afterward Earl of Shaftesbury) in the House of Lords. Their efforts led to the passage of the Act of 1833, applying to all textile factories and not merely to cotton mills. It limited the hours of employment of young persons under eighteen years of age, as well as of children, prohibited night work, and, what was very important, provided for skilled inspectors to enforce the law. The earlier Acts had not been well enforced. Under the new Act numerous prosecutions and convictions occurred, and factory legislation became a reality. How great was the need for it may be judged from the following Address of the Lancashire operatives to the people of England.

We appeal to you on behalf of the Ten Hours Bill[2] now before the House of Commons and under Lord Ashley's care. Whatever may be the manifold causes of national distress and of that poverty, in most cases, or that profligacy in some, which induces parents to submit their offspring to such ruinous toil, and whatever remedies it may be considered proper to apply, still, in the name of justice, let the law of England protect children, without further delay, from lawless and heartless avarice. . . . By a table appended to the evidence before the Select Committee, it is demonstrated that the more have died before their twentieth year, where the factory system extensively prevails,

[1] Edwin Hodder, *The Life and Works of the Seventh Earl of Shaftesbury, K. G.*, London, 1887, vol. i, pp. 159–161. Cassell and Company.

[2] The Act of 1833 did not secure the ten-hours day, which the workers demanded. It was not until 1847 that Parliament passed a Ten Hours Bill. This measure applied to both young persons and adult women and also provided for half-time for children.

than have died at their fortieth year elsewhere. But this suffices not. Insatiable as death, the rich oppressor still asserts his right to add to his blood-guilty store, by working the British infant beyond the time of the soldier, the farmer, nay the adult felon, and the more fortunate child of British colonial slavery.

Fellow-Countrymen! This sort of oppression is not confined to our own generation or to our own country. It has been attributed to the corn laws; but when this system was yet in its infancy and no corn law existed, the hours of labour exacted from children were as bad, or worse, than now. It has been traced to taxation, which we feel to bear heavily and most unequally upon us. But in America this, at all events, is not the cause of over-labour in factories, and there they work children in many cases longer than we do here. In fact, it is avarice which is at the root of the evil — avarice which has not been content to supplant human labour by machinery, but now asserts, with bloody arrogance, its right to grind to the dust the helpless child, which it has obliged to take her father's place. Will you stand by and view this with cool indifference? Will you not unite your energies with ours, to protect the weak against the strong, and the indigent against the rich oppressor? See your country languishing — drooping its head under the chilly blasts of political economy — of grasping monopolies — of heartless calculations, which have blighted its fairest prospects. We know our agricultural brethren are sufferers from its horrid and pestilential breath as well as ourselves. The Ten Hours Bill is a sample in legislation favourable to us all. Sadler, than whom no man has been more beloved or hated, has stood like another Aaron between the dead and the living, with the fragrant incense of justice and benevolence in his hand, to stay the plague of political economy and all-engrossing covetousness. His senatorial mantle has fallen on a noble and illustrious successor, who fears God and regards man, but defies the scorn of the proud.

Let Lord Ashley's name be dear to Britain's honest labourers and oppressed factory children. Let his Factory Bill have your support. Our request is that you will use every lawful and

constitutional means to promote its legislative adoption this Session. Give them no rest; pour out your petitions for us and our children at the foot of the Throne and into both Houses of Parliament.[1]

466. Women and Children in Mines [2]

The speech from which the following extracts are taken was delivered by Lord Ashley (afterward Earl of Shaftesbury) in the House of Commons on June 7, 1842. Parliament responded by enacting a bill which prohibited the employment of women, of girls, and of boys under ten years in the mines of the United Kingdom.

I will detain the House only a short time longer; for I know that I have already trespassed too much upon your attention. You will, however, I am sure, forgive me when you remember how long I have laboured in this cause, and how deeply I have it at heart. I ask, is all this cruelty necessary? Cannot we attain our ends by any other means? You have seen not only how needless, but how wasteful and ruinous, to themselves and their families, is the employment of females in these severe and degrading occupations: you have seen how wasteful and ruinous is the employment of children of such tender years, when we not only deprive them of all means of education, but anticipate the efforts of that strength which should be reserved for the service and defence of a future generation. Sir, I am sure that, under proper regulations, the occupation itself may be rendered both healthy and happy: indeed, all the evidence goes to show that a little expense and a little care would obviate a large proportion of the mischiefs that prevail. No employments that are necessary to mankind are deadly to man but by man's own fault: when we go beyond, and enter on the path of luxury and sensual gratification, then begins the long and grim catalogue of pestilential occupations.

Having thus endeavoured to state the case, may I occupy a few minutes to show that this present effort is not a desultory move-

[1] Signed at Manchester, April 25, 1833, by George Higginbottom, chairman of the operatives' committee.

[2] *Speeches of the Earl of Shaftesbury, K. G.*, London, 1868, pp. 54–58.

ment, but part of a large plan, wisely or unwisely conceived, for the social and moral improvement of the working classes. There are other reports to come, which will show a greater, a deeper, and, if I may use the term, a fiercer necessity for change of some kind. I had long observed the enormous toil of a large proportion of the community, and the total disemployment of the other — physically injurious to the one, and morally injurious to both. I thought I had a right to interpose in behalf of the children and young persons, to redress the balance, and to avert the mischief by shortening the hours of labour, and by that means to call into action those who were unemployed, and to afford some relief to those who were already overworked. This has been the limit of my exertions — I have never attempted to legislate for the adults, or interpose between master and man in the matter of wages. I have laboured to bring them within the reach of moral and religious education, knowing full well that they are the seeds of future generations of citizens; and that, in the progress of opinions and of things, there can be neither safety nor hope but by our becoming, under God's blessing, a wise and an understanding people. . . .

There are, I well know, many other things to be done; but this, I must maintain, is an indispensable preliminary; for it is a mockery to talk of education to people who are engaged, as it were, in unceasing toil from their cradle to their grave. I have endeavoured for many years to attain this end by limiting the hours of labour, and so bringing the children and young persons within the reach of a moral and religious education. I have hitherto been disappointed, and I deeply regret it, because we are daily throwing away a noble material! — for, depend upon it, the British people are the noblest and the most easily governed of any on the face of the earth. Their fortitude and obedience under the severest privations sufficiently prove it. Sure I am, that the minister of this country, whoever he be, if he will but win their confidence by appealing to their hearts, may bear upon his little finger the whole weight of the reins of the British empire. And, Sir, the sufferings of these people, so destructive to themselves, are altogether needless to the prosperity of the empire.

Could it even be proved that they were necessary, this House, I know, would pause before it undertook to affirm the continuance of them. What could induce you to tolerate further the existence of such abominations? . . .

Is it not enough to announce these things to an assembly of Christian men and British gentlemen? For twenty millions of money you purchased the liberation of the negro; and it was a blessed deed.[1] You may, this night, by a cheap and harmless vote, invigorate the hearts of thousands of your countrypeople, enable them to walk erect in newness of life, to enter on the enjoyment of their inherited freedom, and avail themselves (if they will accept them) of the opportunities of virtue, of morality, and religion. These, Sir, are the ends that I venture to propose: this is the barbarism that I seek to restore.[2] The House will, I am sure, forgive me for having detained them so long; and still more will they forgive me for venturing to conclude, by imploring them, in the words of Holy Writ, "To break off our sins by righteousness, and our iniquities by showing mercy to the poor, if it may be a lengthening of our tranquillity."

467. Combination Act[3]

Trade unions, which may be defined as combinations of wage-earners to maintain or improve the conditions under which they labor, began to appear in Great Britain during the eighteenth century, especially after the domestic system gave way to the factory system. The unions immediately met opposition. The Common Law regarded them as conspiracies in restraint of trade and hence as illegal. Moreover, employers used their influence in Parliament to secure the passage of a long series of measures designed to prevent what were styled "unlawful combinations of workmen." The Act of 1800, which is quoted in part below, provided the penalty of imprisonment at hard labor for persons who combined with others to raise wages, shorten hours, or in any way control the conditions of industry.

2. And be it further enacted, that no journeyman, workman, or other person shall at any time after the passing of this Act

[1] Referring to the abolition of slavery in the British West Indies (1833).

[2] A member of the House had declared that "this kind of legislation would bring back the barbarism of the Middle Ages."

[3] *Statutes*, 39 and 40 George III, cap. 106.

make or enter into, or be concerned in the making of or entering into any such contract, covenant, or agreement, in writing or not in writing, as is herein-before declared to be an illegal covenant, contract, or agreement; and every journeyman and workman or other person who, after the passing of this Act, shall be guilty of any of the said offences, being thereof lawfully convicted, within three calendar months next after the offence shall have been committed, shall, by order of such justices, be committed to and confined in the common gaol, within his or their jurisdiction, for any time not exceeding three calendar months, or at the discretion of such justices shall be committed to some house of correction within the same jurisdiction, there to remain and to be kept to hard labour for any time not exceeding two calendar months.

3. And be it further enacted, that every journeyman or workman, or other person, who shall at any time after the passing of this Act enter into any combination to obtain an advance of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or for any other purpose contrary to this Act, or who shall, by giving money, or by persuasion, solicitation, or intimidation, or any other means, wilfully and maliciously endeavour to prevent any unhired or unemployed journeyman or workman, or other person, in any manufacture, trade, or business, or any other person wanting employment in such manufacture, trade, or business, from hiring himself to any manufacturer or tradesman, or person conducting any manufacture, trade or business, or who shall, for the purpose of obtaining an advance of wages, or for any other purpose contrary to the provisions of this Act, wilfully and maliciously decoy, persuade, solicit, intimidate, influence, or prevail, or attempt or endeavour to prevail, on any journeyman or workman, or other person hired or employed, or to be hired or employed in any such manufacture, trade, or business, to quit or leave his work, service, or employment, or who shall wilfully and maliciously hinder or prevent any manufacturer or tradesman, or other person, from employing in his or her manufacture, trade or business, such journeymen, workmen, and other persons as he or she shall think

proper, or who, being hired or employed, shall, without any just or reasonable cause, refuse to work with any other journeyman or workman employed or hired to work therein, and who shall be lawfully convicted of any of the said offences, shall, by order of such justices, be committed to and be confined in the common gaol, within his or their jurisdiction, for any time not exceeding three calendar months; or otherwise be committed to some house of correction within the same jurisdiction, there to remain and to be kept to hard labour for any time not exceeding two calendar months.

468. Trade Union Act[1]

The various Combination Acts, including that of 1800, were repealed in 1824, and in 1825 Parliament passed a measure which permitted laborers to meet together for the purpose of agreeing on the rate of wages or the number of hours which they would work, as long as the agreement concerned only those present at the meeting. This qualification was removed in 1859. The Act of 1871, a part of which is quoted below, gave to trade unions a legal right to exist and allowed them to be registered as benefit societies, thus erecting them into quasi-corporations under the protection of the law. Finally, the Act of 1871 declared that nothing done by a group of workmen should be considered illegal unless it was also illegal when done by a single person. Thus gradually were all traces of illegality and criminality removed from trade unions in their ordinary activities.

The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely,

1. Any agreement between members of a trade union as such, concerning the conditions on which any members for

[1] *Statutes*, 34 and 35 Victoria, cap. 31.

the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed:

2. Any agreement for the payment by any person of any subscription or penalty to a trade union:
3. Any agreement for the application of the funds of a trade union, —
   (a) To provide benefits to members; or
   (b) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or
   (c) To discharge any fine imposed upon any person by sentence of a court of justice; or,
4. Any agreement made between one trade union and another or,
5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful. . . .

Any seven or more members of a trade union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, provided that if any one of the purposes of such trade union be unlawful such registration will be void.

469. The Knights of Labor [1]

The Noble Order of the Knights of Labor of America was founded in 1869 by U. S. Stephens and six associates, all garment-cutters of Philadelphia. It began as a small and local secret society, with many features borrowed from Masonry. After the veil of secrecy was removed the membership increased rapidly and between 1883–1886 reached not less than a million throughout the United States. In subsequent years the membership declined to very small proportions. The order was intended to embrace "all branches of honorable toil." Its program in 1885 is reproduced below.

[1] Thomas Kirkup, *A History of Socialism* (Fourth Edition), New York, 1909, pp. 425–427. Macmillan Company.

1. To make industrial and moral worth, not wealth, the true standard of individual and national greatness.

2. To secure to the workers the full enjoyment of the wealth they create; sufficient leisure in which to develop their intellectual, moral, and social faculties; all the benefits, recreation, and pleasures of association; in a word, to enable them to share in the gains and honors of advancing civilization.

In order to secure these results, we demand of the State:

3. The establishment of Bureaus of Labor Statistics, that we may arrive at a correct knowledge of the educational, moral, and financial condition of the laboring masses.

4. That the public lands, the heritage of the people, be reserved for actual settlers; not another acre for railroads or speculators: and that all lands now held for speculative purposes be taxed to their full value.

5. The abrogation of all laws that do not bear equally upon capital and labor, and the removal of unjust technicalities, delays, and discriminations in the administration of justice.

6. The adoption of measures providing for the health and safety of those engaged in mining, manufacturing, and building industries; and for indemnification to those engaged therein for injuries received through lack of necessary safeguards.

7. The recognition by incorporation of trades-unions, orders, and such other associations as may be organized by the working masses to improve their condition and protect their rights.

8. The enactment of laws to compel corporations to pay their employees weekly, in lawful money, for the labor of the preceding week, and giving mechanics and laborers a first lien upon the product of their labor to the extent of their full wages.

9. The abolition of the contract system on national, State, and municipal works.

10. The enactment of laws providing for arbitration between employers and employed, and to enforce the decision of the arbitrators.

11. The prohibition by law of the employment of children under fifteen years of age in workshops, mines, and factories.

12. To prohibit the hiring out of convict labor.

13. That a graduated income-tax be levied.

And we demand at the hands of the Congress:

14. The establishment of a national monetary system, in which a circulating medium in necessary quantity shall issue direct to the people, without the intervention of banks; that all the national issue shall be full legal tender in payment of all debts, public and private; and that the Government shall not guarantee or recognize any private banks, or create any banking corporations.

15. That interest-bearing bonds, bills of credit or notes shall never be issued by the Government, but that, when need arises, the emergency shall be met by issue of legal tender, non-interest-bearing money.

16. That the importation of foreign labour under contract be prohibited.

17. That in connection with the post-office, the Government shall organize financial exchanges, safe deposits and facilities for deposit of the savings of the people in small sums.

18. That the Government shall obtain possession, by purchase, under the rights of eminent domain, of all telegraphs, telephones, and railroads, and that hereafter no charter or license be issued to any corporation for construction or operation of any means of transporting intelligence, passengers or freight.

And while making the foregoing demands upon the State and National Government, we will endeavor to associate our own labors:

19. To establish coöperative institutions such as will tend to supersede the wage system, by the introduction of a coöperative industrial system.

20. To secure for both sexes equal pay for equal work.

21. To shorten the hours of labour by a general refusal to work for more than eight hours.

22. To persuade employers to agree to arbitrate all differences which may arise between them and their employees, in order that the bonds of sympathy between them may be strengthened and that strikes may be rendered unnecessary.

470. International Labor Office [1]

There has been a growing movement within recent years to secure concerted action by the various nations in the interest of the working classes. The movement received official recognition at the Peace Conference in 1919. The Treaty with Germany established a permanent International Labor Office at Geneva, as a department of the League of Nations. There are also to be annual international labor conferences to discuss needed legislation and recommend it to the different governments. The first conference met at Washington in 1919. The Peace Conference also incorporated in the Treaty with Germany (Article 427) a set of nine principles for regulating labor conditions throughout the world.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.[2]

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

1. The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

2. The right of association for all lawful purposes by the employed as well as by the employers.

3. The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

4. The adoption of an eight hours day or a forty-eight hours

[1] *The Treaties of Peace, 1919–1923*, New York, 1924, vol. i, pp. 252–253. Carnegie Endowment for International Peace.

[2] The International Labor Office.

week as the standard to be aimed at where it has not already been attained.

5. The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

6. The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

7. The principle that men and women should receive equal remuneration for work of equal value.

8. The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

9. Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

471. Communist Manifesto [1]

The classic statement of modern socialism is the *Communist Manifesto*, prepared by Karl Marx and his coworker, Friedrich Engels, to serve as a platform for an organization, called the Communist Federation, in London. It was written toward the end of 1847 and was first published early in 1848, shortly before the outbreak of the "February Revolution" in France. Translations of it have since been made into many languages. As Engels declared in 1888, it is "undoubtedly the most widespread, the most international production of all socialistic literature, the common platform acknowledged by millions of workingmen from Siberia to California." Part of the second section, which deals with proletarians and communists (*i.e.*, socialists), is here quoted.

[1] Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, Chicago, 1888, pp. 40–42. Translated by Samuel Moore. Charles H. Kerr and Company.

We have seen above, that the first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to win the battle of democracy.

The proletariat will use its political supremacy, to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the State, *i.e.*, of the proletariat organized as the ruling class; and to increase the total of productive forces as rapidly as possible.

Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, but which, in the course of the movement, outstrip themselves, necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionizing the mode of production.

These measures will of course be different in different countries.

Nevertheless in the most advanced countries the following will be pretty generally applicable:

1. Abolition of property in land and application of all rents of land to public purposes.
2. A heavy progressive or graduated income tax.
3. Abolition of all right of inheritance.
4. Confiscation of the property of all emigrants and rebels.
5. Centralization of credit in the hands of the State, by means of a national bank with State capital and an exclusive monopoly.
6. Centralization of the means of communication and transport in the hands of the State.
7. Extension of factories and instruments of production owned by the State; the bringing into cultivation of waste lands, and the improvement of the soil generally in accordance with a common plan.
8. Equal liability of all to labor. Establishment of industrial armies, especially for agriculture.
9. Combination of agriculture with manufacturing industries; gradual abolition of the distinction between town and country,

by a more equitable distribution of population over the country.

10. Free education for all children in public schools. Abolition of children's factory labor in its present form. Combination of education with industrial production, etc., etc.

When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms, and of classes generally, and will thereby have abolished its own supremacy as a class.

In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.

472. Principles of the First "International" [1]

The International Workingmen's Association was founded in London in 1864, as the direct result of the International Exhibition of 1862, which had been attended by both French and German workingmen. Karl Marx became, in fact, though not in name, the head of this organization. All its addresses and proclamations were written by him and explained in lectures to the members. The program of the "International" was intended to be broad enough for acceptance by such diverse elements as English trade unionists, French and German socialists, and Russian nihilists. National prejudices and passions ran so high that so heterogeneous a federation could not be long maintained. Marx had it removed to New York in 1872, but it was finally dissolved four years later. The "International" afterward gave place to a new type of international organization which represented in its congresses the socialist parties of every country.

[1] Morris Hillquit, *History of Socialism in the United States* (Fifth Edition), New York, 1910, pp. 159–160. Funk and Wagnalls Company.

In consideration: That the emancipation of the working class must be accomplished by the working class itself, that the struggle for the emancipation of the working class does not signify a struggle for class privileges and monopolies, but for equal rights and duties, and the abolition of class rule;

That the economic dependence of the working man upon the owner of the tools of production, the sources of life, forms the basis of every kind of servitude, of social misery, of spiritual degradation, and political dependence;

That, therefore, the economic emancipation of the working class is the great end to which every political movement must be subordinated as a simple auxiliary;

That all exertions which, up to this time, have been directed toward the attainment of this end have failed on account of the lack of solidarity between the various branches of labor in every land, and by reason of the absence of a brotherly bond of unity between the working classes of different countries;

That the emancipation of labor is neither a local nor a national, but a social problem, which embraces all countries in which modern society exists, and whose solution depends upon the practical and theoretical coöperation of the most advanced countries;

That the present awakening of the working class in the industrial countries of Europe gives rise to a new hope, but at the same time contains a solemn warning not to fall back into old errors, and demands an immediate union of the movements not yet united.

The First International Labor Congress declares that the International Working-Men's Association, and all societies and individuals belonging to it, recognize truth, right, and morality as the basis of their conduct toward one another and their fellow men, without respect to color, creed, or nationality. This Congress regards it as the duty of man to demand the rights of a man and citizen, not only for himself, but for every one who does his duty. No rights without duties; no duties without rights.

473. Gotha Socialist Program [1]

Socialism in Germany looks back to Karl Marx and Ferdinand Lassalle as its two founders. The former inclined to give it an international character; the latter desired it for his own country first. After Lassalle's death the German followers of Marx founded a socialistic workingmen's party at a congress at Eisenach in 1869. The Social Democrats, as they came to be called, were soon joined by Lassalle's adherents, and the new party began to be a power at the great labor congress of Gotha, which was held in 1875. The ideas of German socialists at this time may be judged from the program adopted by them.

In order to prepare the way for the solution of the social question, the socialistic working men's party of Germany demands the establishment of socialistic productive associations with State help under the democratic control of the labouring people. The productive associations are to be founded on such a scale both for industry and agriculture that out of them may develop the socialistic organisation of the total labour.

The socialistic working men's party of Germany demands as the basis of the State: —

1. Universal, equal, and direct right of electing and voting, with secret and obligatory voting, of all citizens from twenty years of age, for all elections and deliberations in the State and local bodies. The day of election or voting must be a Sunday or holiday.

2. Direct legislation by the people. Questions of war and peace to be decided by the people.

3. Universal military duty. A people's army in place of the standing armies.

4. Abolition of all exceptional laws, especially as regards the press, unions, and meetings, and generally of all laws which restrict freedom of thought and inquiry.

5. Administration of justice by the people. Free justice.

6. Universal and equal education by the State. Compulsory education. Free education in all public places of instruction. Religion declared to be a private concern.

[1] Thomas Kirkup, *A History of Socialism* (Fourth Edition), New York, 1909, pp. 424–425. Macmillan Company.

The socialistic working men's party demands within the existing society: —

1. Greatest possible extension of political rights and liberties in the sense of the above demands.

2. A single progressive income-tax for State and commune, instead of the existing taxes, and especially of the indirect taxes that oppress the people.

3. Unrestricted right of combination.

4. A normal working-day corresponding to the needs of society. Prohibition of Sunday labour.

5. Prohibition of labour of children, and of all woman's labour that is injurious to health and morality.

6. Laws for the protection of the life and health of workmen. Sanitary control of workmen's dwellings. Inspection of mines, of factories, workshops, and home industries by officials chosen by the workmen. An effective Employers' Liability Act.

7. Regulation of prison labour.

8. Workmen's funds to be under the entire control of the workmen.

474. Erfurt Socialist Program [1]

At the congress of Erfurt in 1891 the Social Democrats, who had previously disowned the anarchists within their ranks, now cast out the extreme socialists, or communists. They also revised the Gotha Program, which had advocated the ideas of both Marx and Lassalle, and adopted one that was purely Marxian. This Erfurt Program later became the model for the socialist parties in all countries. It was drawn up by Karl Kautsky.

The German Social Democrats demand, to begin with: —

1. Universal, equal, and direct suffrage by ballot, in all elections, for all subjects of the Empire over twenty years of age, without distinction of sex. Proportional representation, and, until this system has been introduced, fresh division of electoral districts by law after each census. Two years' duration of the legislature. Holding of elec-

[1] R. T. Ely, *Socialism*, New York, 1894, pp. 360–362. T. Y. Crowell and Company.

tions on a legal day of rest. Payment of the representatives elected. Removal of all restrictions upon political rights, except in the case of persons under age.

2. Direct legislation by the people by means of the right of initiative and veto. Self-government by the people in empire, state, province, and commune. Election of magistrates by the people, with the right of holding them responsible. Annual vote of the taxes.
3. Universal military education. Substitution of militia for a standing army. Decision by the popular representatives of questions of peace and war. Decision of all international disputes by arbitration.
4. Abolition of all laws which restrict or suppress free expression of opinion and the right of meeting or association.
5. Abolition of all laws which place the woman, whether in a private or a public capacity, at a disadvantage as compared with the man.
6. Declaration that religion is a private matter. Abolition of all expenditure from public funds upon ecclesiastical and religious objects. Ecclesiastical and religious bodies are to be regarded as private associations which order their affairs independently.
7. Secularization of education. Compulsory attendance at public national schools. Free education, free supply of educational apparatus, and free maintenance to children in schools, and to such pupils, male and female, in higher educational institutions, as are judged to be fitted for further education.
8. Free administration of the law and free legal assistance. Administration of the law by judges elected by the people. Appeal in criminal cases. Compensation to persons accused, imprisoned, or condemned unjustly. Abolition of capital punishment.
9. Free medical assistance, and free supply of remedies. Free burial of the dead.
10. Graduated income and property tax to meet all public expenses, which are to be met by taxation. Self-assess-

ment. Succession duties, graduated according to the extent of the inheritance and the degree of relationship. Abolition of all indirect taxation, customs duties, and other economic measures, which sacrifice the interests of the community to the interests of a privileged minority.

For the protection of labor, the German Social Democrats also demand to begin with: —

1. An effective national and international system of protective legislation on the following principles: —
   a. The fixing of a normal working day, which shall not exceed eight hours.
   b. Prohibition of the employment of children under fourteen.
   c. Prohibition of night work, except in those branches of industry which, from their nature and for technical reasons or for reasons of public welfare, require night work.
   d. An unbroken rest of at least thirty-six hours for every workman every week.
   e. Prohibition of the truck system.
2. Supervision of all industrial establishments, together with the investigation and regulation of the conditions of labor in the town and country by an Imperial labor department, district labor bureaus, and chambers of labor. A thorough system of industrial sanitary regulation.
3. Legal equality of agricultural laborers and domestic servants with industrial laborers; repeal of the laws concerning masters and servants.
4. Confirmation of the rights of association.
5. The taking over by the Imperial government of the whole system of workmen's insurance, though giving the workmen a certain share in its administration.

SECTION XXV

SOCIAL BETTERMENT

475. "Necromancy" [1]

That universal genius, Leonardo da Vinci (1452–1519), was painter, architect, sculptor, musician, engineer, and man of science. At a time when superstition still held sway over the minds of illiterate and educated people alike, it is remarkable to find him voicing this spirited protest against current beliefs in the diabolic art.

Of all human opinions that is to be reputed the most foolish which deals with the belief in Necromancy.[2] . . . There are books full, declaring that enchantments and spirits can work and speak without tongues and without organic instruments — without which it is impossible to speak — and can carry heaviest weights and raise storms and rain; and that men can be turned into cats and wolves and other beasts, although indeed it is those who affirm these things who first became beasts.

And surely if this Necromancy did exist, as is believed by small wits, there is nothing on the earth that would be of so much importance alike for the detriment and service of men, if it were true that there [was] in such an art a power to disturb the calm serenity of the air, converting it into darkness and making coruscations or winds, with terrific thunder and lightnings rushing through the darkness, and with violent storms overthrowing high buildings and rooting up forests; and thus to oppose armies, crushing and annihilating them; and, besides these frightful storms may deprive the peasants of the reward of their labours. — Now what kind of warfare is there to hurt the enemy so much as to deprive him of the harvest? What naval warfare could be compared with this? I say, the man who has power to command the winds and to make ruinous gales by which any fleet may be

[1] J. P. Richter, *The Literary Works of Leonardo da Vinci*, London, 1883, vol. ii, pp. 304–305. Translated by Mrs. R. C. Bell.

[2] Here equivalent to nefarious ("black") magic.

submerged, — surely a man who could command such violent forces would be lord of the nations, and no human ingenuity could resist his crushing force. The hidden treasures and gems reposing in the body of the earth would all be made manifest to him. No lock nor fortress, though impregnable, would be able to save any one against the will of the necromancer. He would have himself carried through the air from East to West and through all the opposite sides of the universe. But why should I enlarge further upon this? What is there that could not be done by such a craftsman? Almost nothing, except to escape death. . . . I know that there are numberless people who would, to satisfy a whim, destroy God and all the universe; and if this necromancy, being, as it were, so necessary to men, has not been left among them, it can never have existed, nor will it ever exist according to the definition of the spirit, which is invisible in substance; for within the elements there are no incorporeal things, because where there is no body, there is a vacuum; and no vacuum can exist in the elements because it would be immediately filled up.

476. An Impeachment of Witches' Power [1]

The decline and disappearance of witchcraft beliefs must be attributed mainly to the growth of scientific knowledge. No place for witchcraft could be found in a universe governed by natural law and free from diabolic intervention. The rationalistic spirit found expression from the sixteenth century onward in several notable works, of which the most influential in Great Britain was Reginald Scot's *Discoverie of Witchcraft*. James I deemed it of sufficient importance to reply to it in his well-known *Dæmonologie*. The selection here given from the opening chapter of Scot's book will afford an idea of the author's skeptical attitude. The text is that of the first edition (1584).

The fables of Witchcraft have taken so fast hold and deepe root in the heart of man, that fewe or none can (nowadaies) with patience indure the hand and correction of God. For if any adversitie, greefe, sicknesse, losse of children, corne, cattell, or libertie happen unto them; by and by they exclaime uppon

[1] Reginald Scot, *The Discoverie of Witchcraft*, London, 1886, pp. 1–2. Edited by Brinsley Nicholson.

witches. As though there were no God in Israel that ordereth all things according to his will; punishing both just and unjust with greefs, plagues, and afflictions in maner and forme as he thinketh good: but that certeine old women heere on earth, called witches, must needs be the contrivers of all mens calamities, and as though they themselves were innocents, and had deserved no such punishments. Insomuch as they sticke not to ride and go to such, as either are injuriouslie tearmed witches, or else are willing so to be accounted, seeking at their hands comfort and remedie in time of their tribulation, contrarie to Gods will and commandement in that behalfe, who bids us resort to him in all our necessities.

Such faithlesse people (I saie) are also persuaded, that neither haile nor snowe, thunder nor lightening, raine nor tempestuous winds come from the heavens at the commandement of God: but are raised by the cunning and power of witches and conjurers; insomuch as a clap of thunder, or a gale of wind is no sooner heard, but either they run to ring bels, or crie out to burne witches; or else burne consecrated things, hoping by the smoke thereof, to drive the divell out of the aire. . . .

But certeinlie, it is neither a witch, nor divell, but a glorious God that maketh the thunder. I have read in the scriptures, that God maketh the blustering tempests and whirlewinds: and I find that it is the Lord that altogither dealeth with them, and that they blowe according to his will. But let me see anie of them all rebuke and still the sea in time of tempest, as Christ did; or raise the stormie wind, as God did with his word; and I will beleeve in them. Hath anie witch or conjurer, or anie creature entred into the treasures of the snowe; or seene the secret places of the haile, which God hath prepared against the daie of trouble, battell, and warre? I for my part also thinke with Jesus Sirach, that at Gods onelie commandement the snowe falleth; and that the wind bloweth according to his will, who onelie maketh all stormes to cease; and who (if we keepe his ordinances) will send us raine in due season, and make the land to bring forth hir increase, and the trees of the field to give their fruit.

But little thinke our witchmongers, that the Lord commandeth the clouds above, or openeth the doores of heaven, as David affirmeth; or that the Lord goeth forth in the tempests and stormes, as the Prophet Nahum reporteth: but rather that witches and conjurers are then about their businesse.

The Martionists[1] acknowledged one God the authour of good things, and another the ordeiner of evill: but these make the divell a whole god, to create things of nothing, to knowe mens cogitations, and to doo that which God never did; as, to transubstantiate men into beasts, etc. Which thing if divels could doo, yet followeth it not, that witches have such power. But if all the divels in hell were dead and all the witches in England burnt or hanged; I warrant you we should not faile to have raine, haile and tempests, as now we have: according to the appointment and will of God, and according to the constitution of the elements, and the course of the planets, wherein God hath set a perfect and perpetuall order.

I am also well assured, that if all the old women in the world were witches; and all the priests, conjurers: we should not have a drop of raine, nor a blast of wind the more or the lesse for them. For the Lord hath bound the waters in the clouds, and hath set bounds about the waters, untill the daie and night come to an end: yea it is God that raiseth the winds and stilleth them: and he saith to the raine and snowe; Be upon the earth, and it falleth. The wind of the Lord, and not the wind of witches, shall destroie the treasures of their plesant vessels, and drie up the fountaines; saith Oseas.[2] Let us also learne and confesse with the Prophet David, that we our selves are the causes of our afflictions; and not exclaime upon witches, when we should call upon God for mercie.

477. Erasmus the Pacifist[3]

The Dutch humanist, Desiderius Erasmus (1466?–1536), voiced a vigorous protest against the warlike excesses of his age in the following

[1] Marcionists, followers of Marcion, the second-century heterodox theologian.

[2] Hosea.

[3] F. M. Nichols, *The Epistles of Erasmus*, London, 1901–1918, vol. ii, pp. 121–125. Longmans, Green, and Company, Ltd.

letter, written from London in 1514. It was addressed to the abbot of St. Berten in Bergen, but was evidently intended for general reading.

I often wonder what thing it is that drives, I will not say Christians, but men, to such a degree of madness as to rush with so much pains, so must cost, so much risk, to the destruction of one another. For what are we doing all our lives but making war? The brute beasts do not all engage in war, but only some wild kinds, and those do not fight among themselves, but with animals of a different species. They fight too with their natural arms, and not like us with machines, upon which we expend an ingenuity worthy of devils.

For us, who glory in the name of Christ, of a master who taught and exhibited nothing but gentleness, who are members of one body, and are one flesh, quickened by the same spirit, fed by the same sacraments, attached to the same Head, called to the same immortality, hoping for that highest communion, that as Christ and the Father are one, as we may be one with him, — can anything in the world be of so great concern, as to provoke us to war, a thing so calamitous and so hateful, that even when it is most righteous, no truly good man can approve it. Think, I beseech you, who are those employed in it. Cut-throats, gamblers, . . . the meanest hireling soldiers, to whom a little gain is dearer than life, — these are your best warriors, when what they once did at their peril, they do now for gain and with applause. This scum of mankind must be received into your fields and into your cities, in order that you may wage war; in fact you make yourself a slave to them in your anxiety to be revenged on others.

Consider too how many crimes are committed under pretext of war, when as they say, In the midst of arms, laws are silent; how many thefts, how many acts of sacrilege, how many rapes, how many other abuses which one is ashamed even to name; and this moral contagion cannot but last for many years, even when the war is over. And if you count the cost, you will see how, even if you conquer, you lose much more than you gain. What kingdom can you set against the lives and blood of so many thousand men? And yet the greatest amount of the mis-

chief affects those who have no part in the fighting. The advantages of peace reach everybody; while in war for the most part even the conqueror weeps; and it is followed by such a train of calamities, that there is good reason in the fiction of poets, that War comes to us from Hell and is sent by the Furies. I say nothing of the revolutions of states, which cannot take place without the most disastrous results.

If the desire of glory tempts us to War, — that is no true glory which is mainly sought by wrongful acts. It is much more glorious to found, than to overthrow, states; but in these days it is the people, that builds and maintains cities, and the folly of prinecs that destroys them. If gain is our object, no war has ended so happily, as not to have brought more evil than good to those engaged in it; and no sovereign damages his enemy in war without first doing a great deal of mischief to his own subjects. And finally, when we see human affairs always changing and confused, . . . what is the use of such great efforts to raise an empire, which must presently by some revolution pass to others? With how much blood was the Roman empire raised, and how soon did it begin to fall! . . .

If there are any rights which admit of being defended by war, they are rights of a grosser kind, which savour of a Christianity already becoming degenerate and burdened with the wealth of this world; and I know not whether I should sanction such wars; though I see that war is sometimes not disapproved by pious authors, when for the maintenance of the faith, the peace of Christendom is defended against the invasion of barbarians. But why should we dwell on these few human authorities, rather than on those many sayings of Christ, of the Apostles, and of the orthodox and most approved Fathers on the subject of peace and the tolerance of evils?

478. Non-Resistant Christianity [1]

There have been, and still are, Christian sects which reprobate all war. The English Lollards in the fourteenth century taught that homicide in war is forbidden by the New Testament. The sixteenth-

[1] *Confession of Faith and Minister's Manual* (Seventh Edition), Elkhart, Ind., 1917, pp. 25–26. Mennonite Publishing Company.

century Anabaptists, who had many adherents in Germany and other countries, believed that Christians should not bear arms or offer forcible resistance to wrongdoers or wield the sword. The Society of Friends (commonly called Quakers) likewise took an attitude of uncompromising pacifism. Non-resistant Christianity has also found ardent support among the Mennonites, a sect that looks to the Friesian Menno Simons (1492–1559) as its founder. Article XIV of the Mennonite Confession of Faith, as adopted at Dort in 1632, reads as follows:

Regarding revenge, whereby we resist our enemies with the sword, we believe and confess that the Lord Jesus has forbidden his disciples and followers all revenge and resistance, and has thereby commanded them not to "return evil for evil, nor railing for railing"; but to "put up the sword into the sheath," or, as the prophets foretold, "beat them into ploughshares." Matt. 5:39, 44; Rom. 12:14; 1 Pet. 3:9; Isaiah 2:4; Micah 4:3.

From this we see, that, according to the example, life, and doctrine of Christ, we are not to do wrong, or cause offense or vexation to any one; but to seek the welfare and salvation of all men; also, if necessity should require it, to flee, for the Lord's sake, from one city or country to another, and suffer the "spoiling of our goods," rather than give occasion of offense to any one; and if we are struck on our "right cheek, rather to turn the other also," than revenge ourselves, or return the blow. Matt. 5:39; 10:23; Rom. 12:19.

And that we are, besides this, also to pray for our enemies, comfort and feed them, when they are hungry or thirsty, and thus by well-doing convince them and overcome the evil with good. Rom. 12:20, 21.

Finally, that we are to do good in all respects, "commending ourselves to every man's conscience in the sight of God," and according to the law of Christ, do nothing to others that we would not wish them to do unto us. 2 Cor. 4:2; Matt. 7:12; Luke 6:31.

479. A Condemnation of Judicial Torture [1]

The first great name in modern penology is that of an Italian, the Marchese de Beccaria-Bonesana. In 1764, when only twenty-nine

[1] Beccaria, *An Essay on Crimes and Punishments*, Dublin, 1767, pp. 44–53.

years of age, he published his brief but weighty work, *Dei delitti e delle pene* ("On Crimes and Punishments"). The book had marked success, going through many editions in Italy and being translated into many modern languages. It bore early fruit in the general abolition of torture and of such ferocious punishments as burning alive, breaking on the wheel, and drawing and quartering. Various other reforms in European penal codes are traceable to Beccaria's treatise.

The torture of a criminal, during the course of his trial, is a cruelty consecrated by custom in most nations. It is used with an intent either to make him confess his crime, or explain some contradictions, into which he had been led during his examination; or discover his accomplices; or for some kind of metaphysical and incomprehensible purgation of infamy; or, finally, in order to discover other crimes, of which he is not accused, but of which he may be guilty.

No man can be judged a criminal until he be found guilty; nor can society take from him the public protection, until it have been proved that he has violated the conditions on which it was granted. What right, then, but that of power, can authorize the punishment of a citizen, so long as there remains any doubt of his guilt? This dilemma is frequent. Either he is guilty, or not guilty. If guilty, he should only suffer the punishment ordained by the laws, and torture becomes useless, as his confession is unnecessary. If he be not guilty, you torture the innocent; for in the eye of the law, every man is innocent, whose crime has not been proved. Besides, it is confounding all relations, to expect that a man should be both the accuser and accused; and that pain should be the test of truth, as if truth resided in the muscles and fibres of a wretch in torture. By this method, the robust will escape, and the feeble be condemned. These are the inconveniences of this pretended test of truth, worthy only of a cannibal; and which the Romans, in many respects barbarous, and whose savage virtue has been too much admired, reserved for the slaves alone. . . .

This infamous test of truth is a remaining monument of that ancient and savage legislation, in which trials by fire, by boiling water, or the uncertainty of combats, were called Judgments of God; as if the links of that eternal chain, whose beginning is

in the breast of the first cause of all things, could ever be disunited by the institutions of men. The only difference between torture, and trials by fire and boiling water, is, that the event of the first depends on the will of the accused; and of the second, on a fact entirely physical and external: but this difference is apparent only, not real. A man on the rack, in the convulsions of torture, has it as little in his power to declare the truth, as in former times, to prevent without fraud the effects of fire, or of boiling water.

Every act of the will is invariably in proportion to the force of the impression [on] our senses. The impression of pain, then, may increase to such a degree, that occupying the mind entirely, it will compel the sufferer to use the shortest method of freeing himself from torment. His answer, therefore, will be an effect, as necessary as that of fire or boiling water; and he will accuse himself of crimes of which he is innocent. So that the very means employed to distinguish the innocent from the guilty, will most effectually destroy all difference between them. . . .

The examination of the accused is intended to find out the truth; but if this be discovered, with so much difficulty, in the air, gesture and countenance of a man at ease, how can it appear in a countenance distorted by the convulsions of torture. Every violent action destroys those small alterations in the features, which sometimes disclose the sentiments of the heart. . . .

A very strange, but necessary, consequence of the use of torture, is that the case of the innocent is worse than that of the guilty. With regard to the first, either he confesses the crime, which he has not committed, and is condemned; or he is acquitted, and has suffered a punishment he did not deserve. On the contrary, the person, who is really guilty, has the most favourable side of the question; for if he supports the torture with firmness and resolution, he is acquitted, and has gained, having exchanged a greater punishment for a less. . . .

Torture is used to make the criminal discover his accomplices; but if it has been demonstrated that it is not a proper means of discovering truth, how can it serve to discover the accomplices, which is one of the truths required? Will not the man who

accuses himself, yet more readily accuse others? Besides, is it just to torment one man for the crime of another? May not the accomplices be found out by the examination of the witnesses, or of the criminal; from the evidence, or from the nature of the crime itself; in short, by all the means that have been used to prove the guilt of the prisoner? The accomplices commonly fly, when their comrade is taken. The uncertainty of their fate condemns them to perpetual exile, and frees society from the danger of further injury; whilst the punishment of the criminal, by deterring others, answers the purpose for which it was ordained.

480. Old English Punishments [1]

The *Description of England*, by William Harrison, forms a most valuable survey, political, social, and religious, of that country during the reign of Elizabeth. The work appeared in 1577, as a part of Holinshed's *Chronicles of England, Scotland and Ireland* (second edition, 1587). Harrison's contribution to this coöperative undertaking is an extended account of the food, dress, houses, and furniture of the people of England, besides notices of laws and punishments, treatment of the poor, fairs and markets, churches, universities, army and navy, and many other topics. Harrison was a learned, kind-hearted, truth-seeking man, not afraid to expose what he regarded as the shams and follies of his day, but a lover of his country and proud of the achievements of Englishmen. He lived during a great age, which is mirrored in the pages of his often amusing and always informing book.

In cases of felony, manslaughter, robbery, murder, rape, piracy, and such capital crimes as are not reputed for treason or hurt of the estate, our sentence pronounced upon the offender is, to hang till he be dead. . . . The greatest and most grievous punishment used in England for such as offend against the State is drawing from the prison to the place of execution upon an hurdle or sled, where they are hanged till they are half dead, and then taken down, and quartered alive; after that, their members and bowels are cut from their bodies, and thrown into a fire, provided near hand and within their own sight, even for the same purpose. . . . We have use neither of the wheel nor of the bar, as in

[1] William Harrison, *Elizabethan England*, London, 1889, pp. 237–245. Edited by Lothrop Withington.

other countries; but, when wilful manslaughter is perpetrated, beside hanging, the offender hath his right hand commonly stricken off before or near unto the place where the act was done, after which he is led forth to place of execution, and there put to death according to the law. . . .

If a woman poison her husband, she is burned alive; if the servant kill his master, he is to be executed for petty treason; he that poisoneth a man is to be boiled to death in water or lead, although the party die not of the practice; in cases of murder, all the accessories are to suffer pains of death accordingly. Perjury is punished by the pillory, burning in the forehead with the letter P, the rewalting[1] of the trees growing upon the grounds of the offenders, and loss of all his movables. Many trespasses also are punished by the cutting off of one or both ears from the head of the offender, as the utterance of seditious words against the magistrates, fraymakers, petty robbers, etc. Rogues are burned through the ears; carriers of sheep out of the land, by the loss of their hands; such as kill by poison are either boiled or scalded to death in lead or seething water. Heretics are burned quick.[2] . . .

Such as kill themselves are buried in the field with a stake driven through their bodies. Witches are hanged or sometimes burned; but thieves are hanged (as I said before) generally on the gibbet or gallows, saving in Halifax, where they are beheaded after a strange manner, and whereof I find this report.[3] . . .

Rogues and vagabonds are often stocked and whipped; scolds are ducked upon cucking-stools in the water. Such felons as stand mute, and speak not at their arraignment, are pressed to death by huge weights laid upon a board, that lieth over their breast, and a sharp stone under their backs;[4] and these commonly held their peace, thereby to save their goods unto their wives and children, which, if they were condemned, should be confiscated to the prince. Thieves that are saved by their books and clergy,[5] for the first offence, if they have stolen nothing else

[1] Overturning. [2] *I.e.*, alive.

[3] Here follows a description of the Halifax beheading machine, a precursor of the French guillotine.

[4] The *peine forte et dure* is referred to.

[5] A reference to benefit of clergy.

but oxen, sheep, money, or such like, which be no open robberies, as by the highway side, or assailing of any man's house in the night, without putting him in fear of his life, or breaking up his walls or doors, are burned in the left hand, upon the brawn of the thumb, with a hot iron, so that, if they be apprehended again, that mark betrayeth them to have been arraigned of felony before, whereby they are sure at that time to have no mercy. . . . Pirates and robbers by sea are condemned in the Court of the Admiralty, and hanged on the shore at low-water mark, where they are left till three tides have overwashed them. Finally, such as having walls and banks near unto the sea, and do suffer the same to decay (after convenient admonition), whereby the water entereth and drowneth up the country, are by a certain ancient custom apprehended, condemned, and staked in the breach, where they remain forever as parcel of the foundation of the new wall that is to be made upon them, as I have heard reported.

481. The Death Penalty [1]

The criminal codes of every European country at the end of the eighteenth century punished with death, not only grave offences, but also those of a comparatively slight nature. In 1800 over two hundred crimes were capital in Great Britain. Transportation to America or to Australia was, however, often substituted by merciful juries and judges for the death penalty. The labors of penal reformers, among whom Jeremy Bentham (1748–1832), the moral philosopher and jurist, takes a high place, resulted in a considerable mitigation of the law, and since 1838 capital punishment has in practice been meted out only for murder, although several other crimes, including treason and piracy, still remain capital. Bentham's criticisms of the death penalty are set forth in his *Principles of Penal Law* (pt. II, bk. II, ch. XII).

The punishment of death, it has been observed, possesses four desirable properties: —

1. It is in one case analogous to the offence.
2. In that same case it is popular.
3. It is in the highest degree efficacious in preventing further mischief from the same source.

[1] *The Works of Jeremy Bentham*, Edinburgh, 1843, vol. i, pp. 449–450. Edited by John Bowring.

4. It is exemplary, producing a more lively impression than any other mode of punishment.

The two first of these properties exist in the case of capital punishment when applied to murder; and with reference to that species of offence alone, are they sufficient reasons for persevering in its use? Certainly not: each of them, separately considered, is of very little importance. Analogy is a very good recommendation, but not a good justification. If in other respects any particular mode of punishment be eligible, analogy is an additional advantage: if in other respects it be ineligible, analogy alone is not a sufficient recommendation: the value of this property amounts to very little, because, even in the case of murder, other punishments may be devised the analogy of which will be sufficiently striking.

In respect also of popularity, the same observations apply to this mode of punishment. Every other mode of punishment that is seen to be equally or more efficacious will become equally or more popular. The approbation of the multitude will naturally be in proportion to the efficacy of the punishment.

The third reason, that it is efficacious in preventing further mischief from the same source, is somewhat more specious, but not better founded. It has been asserted, that in the crime of murder it is absolutely necessary; that there is no other means of averting the danger threatened from that class of malefactors. This assertion is, however, extremely exaggerated: its groundlessness may be seen in the case of the most dangerous species of homicide — assassination for lucre, a crime proceeding from a disposition which puts indiscriminately the life of every man into immediate jeopardy. Even these malefactors are not so dangerous nor so difficult to manage as madmen; because the former will commit homicide only at the time that there is something to be gained by it, and that it can be perpetrated with a probability of safety. The mischief to be apprehended from madmen is not narrowed by either of these circumstances. Yet is it never thought necessary that madmen should be put to death. They are not put to death: they are only kept in confinement; and that confinement is found effectually to answer the purpose. . . .

The fourth reason is the strongest. The punishment of death is exemplary, preëminently exemplary: no other punishment makes so strong an impression.

This assertion, as has been already noticed, is true with respect to the majority of mankind: it is not true with respect to the greatest criminals.

It appears, however, to me, that the contemplation of perpetual imprisonment, accompanied with hard labour and occasional solitary confinement, would produce a deeper impression on the minds of persons in whom it is more eminently desirable that that impression should be produced, than even death itself. . . .

Giving to each of these circumstances its due weight, the result appears to be, that the prodigal use made by legislators of the punishment of death had been occasioned more by erroneous judgments arising from the situation in which they are placed with respect to the other classes of the community than from any blameable cause. Those who make laws belong to the highest classes of the community, amongst whom death is considered as a great evil, and an ignominious death as the greatest of evils. Let it be confined to that class, if it were practicable, the effect aimed at might be produced; but it shows a total want of judgment and reflection to apply it to a degraded and wretched class of men, who do not set the same value upon life, to whom indigence and hard labour is more formidable than death, and the habitual infamy of whose lives renders them insensible to the infamy of the punishment.

If, in spite of these reasons, which appear to be conclusive, it be determined to preserve the punishment of death, in consideration of the effects it produces *in terrorem*, it ought to be confined to offences which in the highest degree shock the public feeling — for murders, accompanied with circumstances of aggravation, and particularly when their effect may be the destruction of numbers; and in these cases, expedients, by which it may be made to assume the most tragic appearance, may be safely resorted to, in the greatest extent possible, without having recourse to complicated torments.

482. Prison Reform[1]

John Howard, in the preface to *The State of the Prisons in England and Wales*, has told how he came to be a prison reformer. His book, which appeared in 1777, was dedicated to the House of Commons.

The distress of prisoners, of which there are few who have not some imperfect idea, came more immediately under my notice when I was sheriff of the county of Bedford;[2] and the circumstance which excited me to activity in their behalf was, the seeing, some — who by the verdict of juries were declared not guilty; some — on whom the grand jury did not find such an appearance of guilt as subjected them to trial; and some — whose prosecutors did not appear against them; — after having been confined for months, dragged back to gaol, and locked up again till they should pay sundry fees to the gaoler, the clerk of assize, etc.

In order to redress this hardship, I applied to the justices of the county for a salary to the gaoler in lieu of his fees. The bench were properly affected with the grievance, and willing to grant the relief desired; but they wanted a precedent for charging the county with the expense. I therefore rode into several neighbouring counties in search of one; but I soon learned that the same injustice was practised in them; and looking into the prisons, I beheld scenes of calamity, which I grew daily more and more anxious to alleviate. In order therefore to gain a more perfect knowledge of the particulars and extent of it, by various and accurate observations, I visited most of the county gaols in England.

Seeing in two or three of them some poor creatures whose aspect was singularly deplorable, and asking the cause of it, the answer was, "they were lately brought from the bridewells." This started a fresh subject of inquiry. I resolved to inspect the bridewells: and for that purpose travelled again into the counties where I had been; and, indeed, into all the rest; examining houses of correction, city and town gaols. I beheld in many of

[1] *Works of John Howard* (Fourth Edition), London, 1792, vol. i, pp. 1–3.

[2] This was in 1773.

them, as well as in the county gaols, a complication of distress; but my attention was principally fixed by the gaol-fever and the smallpox, which I saw prevailing to the destruction of multitudes, not only of felons in their dungeons, but of debtors also. . . .

There are still remaining, many disorders that ought to be rectified: prisoners suffer great hardships, from which I am desirous that they should be set free: the gaol-fever is not, as I am persuaded it may be, totally eradicated. These are my motives for printing this book. I think it will show plainly, that much is yet to be done for the regulation of prisons; and I am not without hope, that the legislature will finish what was so laudably begun.

I was called to the first part of my task by my office as sheriff. To the pursuit of it I was prompted by the sorrows of the sufferers, and love to my country. The work grew upon me insensibly. I could not enjoy my ease and leisure in the neglect of an opportunity offered me by Providence of attempting the relief of the miserable. The attention of Parliament to the subject, led me to conclude that some additional labour would not be lost; and I extended my plan. The difficulty I found in searching out evidence of fraud and cruelty in various articles, together with other real sources of distress, obliged me to repeat my visits, and travel over the kingdom more than once: and after all, I suspect that many frauds have been concealed from me; and that sometimes the interest of my informants prevailed over their veracity. Besides, as I had in my first journeys gathered, from facts and experience, proofs of the mischievous effects of the want of cleanliness and fresh air, I had in my latter visits these strong arguments to enforce my persuasions; and, in consequence, some gaolers grew at last more mindful and complying, for the sake, not only of their prisoners, but of themselves and their own families. . . .

The journeys were not undertaken for the traveller's amusement; and the collections are not published for general entertainment; but for the perusal of those who have it in their power to give redress to the sufferers.

483. Spanish Decree for the Abolition of the Negro Slave Trade [1]

The royal decree which abolished the slave trade in Spain and her possessions was issued by Ferdinand VII in 1817. The Preamble to this measure reads as follows:

The importation of Black Slaves into America was among the earliest Measures directed by my August Predecessors, for the cultivation and prosperity of these vast Dominions, within a short period after their discovery. The Indians being disqualified from engaging in various useful, though laborious occupations, by their ignorance of the accommodations of life, as well as by the small progress of civilization among them, it became necessary to intrust to arms more vigorous and more active the working of the mines, and the breaking up and tillage of the soil. This plan, which did not occasion, but only availed itself of, the slavery already practised by the barbarous Nations of Africa, with a view to save their Prisoners from death, and to alleviate their melancholy condition, so far from being prejudicial to the Negroes of Africa, when transferred to America, afforded them not only the incomparable benefit of being instructed in the knowledge of the true God, and of the only Religion through which that Supreme Being is desirous that His Creatures should adore Him, but also all the advantages attending a state of civilization, without, however, subjecting them in their slavery to hardships more intolerable than those which they had endured when free in their own Country. But as the novelty of this System required great circumspection in its execution, the introduction of Black Slaves into America depended always on particular Permissions granted by my August Predecessors, according to the circumstances of places and times. . . .

In those Regions,[2] a prodigious increase is perceivable in the number of indigenous Negroes, and even in that of the Blacks of free condition, owing to the mildness of the Government, no less than to the Christian and humane conduct pursued by the Spanish Proprietors; the Whites, also, are greatly augmented,

[1] *British and Foreign State Papers*, vol. iv, pp. 68–70.

[2] *I.e.*, Latin America.

from the Climate being no longer so dangerous to them as it was prior to the lands being cleared of Wood, and put under cultivation. Nor is the benefit which the Inhabitants of Africa derived from being carried to cultivated Countries any more so urgent and exclusive, since an enlightened Nation[1] has undertaken the glorious task of civilizing them in their own Native land, while the general intelligence of Europe, and the spirit of humanity . . . have roused the Sovereigns of Europe to a general effort for having this Traffic abolished; and at the Congress of Vienna, concurring in the necessity of the abolition, they sought to bring it about by the most amicable Negotiations with such Powers as possessed Colonies, and they met in me a disposition suited to a design so laudable.

484. Abolition of the Negro Slave Trade by Great Britain[2]

The agitation in Great Britain for the abolition of the slave trade is especially associated with the names of Thomas Clarkson and William Wilberforce. William Pitt, the prime minister, entered heartily into their plans, and Charles James Fox lent them his powerful support. The subject of abolition came before Parliament as early as 1787, but the opposition of vested interests managed to delay for twenty years the passage of the measure prohibiting Englishmen from engaging in the traffic that had so long desolated Africa and degraded Europe. The first section of the Act is quoted.

Whereas the two houses of parliament did, by their resolutions on the tenth and twenty-fourth days of June one thousand eight hundred and six, severally resolve, upon certain grounds therein mentioned, that they would, with all practicable expedition, take effectual measures for the abolition of the African slave trade, . . . And whereas it is fit upon all and each of the grounds mentioned in the said resolutions, that the same should be forthwith abolished and prohibited, and declared to be unlawful; be it therefore enacted. . . . That from and after the first day of May one thousand eight hundred and seven the African slave trade and all manner of dealing and trading in the purchase, sale, barter, or transfer of slaves, or of persons intended to be sold, or

[1] Great Britain.

[2] *Statutes*, 47 George III, Sess. 1, cap. 36.

transferred, used, or dealt with as slaves, practised or carried on in, at, to or from any part of the coast or countries of Africa, shall be, and the same is hereby utterly abolished, prohibited, and declared to be unlawful: And also that all manner of dealing, either by way of purchase, sale, barter, or transfer, or by means of any other contract or agreement whatever, relating to any slaves, or to any persons intended to be used or dealt with as slaves, for the purpose of such slaves or persons being removed or transported either immediately or by transshipment at sea or otherwise, directly or indirectly from Africa, or from any island, country, territory, or place whatever, in the West Indies, or in any other part of America, not being in the dominion, possession, or occupation of his Majesty, to any other island, country, territory or place whatever, is hereby in like manner utterly abolished, prohibited, and declared to be unlawful; and if any of his Majesty's subjects, or any person or persons resident within this United Kingdom, or any of the islands, dominions, or territories thereto belonging, or in his Majesty's occupation or possession, shall from and after the day aforesaid, by him or themselves, or by his or their factors or agents or otherwise howsoever, deal or trade in, purchase, sell, barter, or transfer, or contract or agree for the dealing or trading in, purchasing, selling, bartering, or transferring of any slave or slaves, or any person or persons intended to be sold, transferred, used or dealt with as a slave or slaves contrary to the prohibitions of this act, he or they so offending shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for each and every slave so purchased, sold, bartered, or transferred.

485. Abolition of Negro Slavery in the British Colonies [1]

The abolition of the slave trade in 1807 pointed to the abolition of slavery itself throughout the British colonies. This came about in 1833, as one of the first measures of the Whig Reform Parliament. British slave owners in the West Indies received twenty million pounds as compensation for the loss of their property. The first section of the Act is quoted.

[1] *Statutes*, 3 and 4 William IV, cap. 73.

Whereas divers Persons are holden in slavery within divers of His Majesty's Colonies, and it is just and expedient that all such persons should be manumitted and set free, and that a reasonable compensation should be made to the Persons hitherto entitled to the services of such slaves for the loss which they will incur by being deprived of their right to such services; And whereas it is also expedient that provision should be made for promoting the industry and securing the good conduct of the persons so to be manumitted, for a limited period after their manumission; And whereas it is necessary that the laws now in force in the said several colonies should forthwith be adapted to the state and relation of society therein which will follow upon such general manumission as aforesaid of the said slaves; and that, in order to afford the necessary time for such adaptation of the said laws, a short interval should elapse before such manumission should take effect, be it therefore enacted . . . That from and after the first day of August, one thousand eight hundred and thirty-four all persons who in conformity with the Laws now in force in the said colonies respectively shall on or before the first day of August one thousand eight hundred and thirty-four shall be actually within any such colony, and who shall by such registries appear to be on the said first day of August one thousand eight hundred and thirty-four of the full age of six years or upwards, shall by force and virtue of this act, and without the previous execution of any indenture of Apprenticeship, or other deed or instrument for that purpose, become and be apprenticed labourers; provided that, for the purposes aforesaid, every slave engaged in his ordinary occupation on the seas shall be deemed and taken to be within the colony to which such slave shall belong.

486. Declaration of Sentiments of the National Anti-Slavery Society [1]

The anti-slavery movement in the United States owed its inception and early progress largely to the reforming zeal of William Lloyd Garrison. He worked for thirty years to arouse public sentiment

[1] W. P. Garrison and F. J. Garrison, *William Lloyd Garrison*, New York, 1885–1889, vol. i, pp. 409–412. Century Co.

against slavery and in favor of immediate and unconditional emancipation. The first anti-slavery society founded under his auspices and in accordance with his principles began its work in New England in 1832. The National Anti-Slavery Society was organized at Philadelphia in 1833, with the following Declaration of Sentiments from the pen of Garrison.

Those for whose emancipation we are striving — constituting at the present time at least one-sixth part of our countrymen — are recognized by law, and treated by their fellow-beings, as marketable commodities, as goods and chattels, as brute beasts; are plundered daily of the fruits of their toil without redress; really enjoy no constitutional nor legal protection from licentious and murderous outrages upon their persons; and are ruthlessly torn asunder — the tender babe from the arms of its frantic mother — the heart-broken wife from her weeping husband — at the caprice or pleasure of irresponsible tyrants. For the crime of having a dark complexion, they suffer the pangs of hunger, the infliction of stripes, the ignominy of brutal servitude. They are kept in heathenish darkness by laws expressly enacted to make their instruction a criminal offence.

These are the prominent circumstances in the condition of more than two millions of our people, the proof of which may be found in thousands of indisputable facts and in the laws of the slaveholding States.

Hence we maintain — that, in view of the civil and religious privileges of this nation, the guilt of its oppression is unequalled by any other on the face of the earth; and, therefore, that it is bound to repent instantly, to undo the heavy burdens, and to let the oppressed go free.

We further maintain — that no man has a right to enslave or imbrute his brother — to hold or acknowledge him, for one moment, as a piece of merchandise — to keep back his hire by fraud — or to brutalize his mind, by denying him the means of intellectual, social and moral improvement. . . .

We further believe and affirm — that all persons of color who possess the qualifications which are demanded of others, ought to be admitted forthwith to the enjoyment of the same privileges,

and the exercise of the same prerogatives, as others; and that the paths of preferment, of wealth, and of intelligence, should be opened as widely to them as to persons of a white complexion. . . .

We also maintain that there are, at the present time, the highest obligations resting upon the people of the free States to remove slavery by moral and political action, as prescribed in the Constitution of the United States. They are now living under a pledge of their tremendous physical force, to fasten the galling fetters of tyranny upon the limbs of millions in the Southern States; they are liable to be called at any moment to suppress a general insurrection of the slaves; they authorize the slave-owner to vote for three-fifths of his slaves as property, and thus enable him to perpetuate his oppression; they support a standing army at the South for its protection; and they seize the slave who has escaped into their territories, and send him back to be tortured by an enraged master or a brutal driver. This relation to slavery is criminal, and full of danger: IT MUST BE BROKEN UP.

487. Final Emancipation Proclamation [1]

President Lincoln issued on September 22, 1862, a preliminary proclamation of emancipation. It was followed on New Year's Day, 1863, by the final proclamation, after the House of Representatives had adopted a resolution approving the President's policy. The validity of these two documents never came before the Supreme Court for decision, such action being rendered unnecessary as a result of the adoption in 1865 of the Thirteenth Amendment to the Constitution.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive

[1] Abraham Lincoln, *Complete Works*, New York, 1894, vol. ii, pp. 287–288. Edited by J. G. Nicolay and John Hay. Century Co.

Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall in the absence of strong countervailing testimony be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of 100 days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which

excepted parts are for the present left precisely as if this proclamation were not issued.[1]

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

488. Treaty for the Suppression of the African Slave Trade[2]

This treaty, framed at the Brussels Conference of 1890, ranks among the great humanitarian documents of the nineteenth century. It was signed by the United States, all the major powers of Europe, and Belgium, Denmark, Holland, Portugal, Spain, Sweden, Turkey, Persia, and Zanzibar, these being the powers specially interested in the African slave trade, because of their territorial possessions, commercial activities, or benevolent undertakings in the Dark Continent.

1. The powers declare that the most effective means of counteracting the slave-trade in the interior of Africa are the following:

[1] Tennessee and the parts of Louisiana and Virginia occupied by Union troops and considered to be under Federal jurisdiction were thus temporarily excluded. It is to be noticed, also, that slavery in the border slave states was not affected by the proclamation.

[2] *Supplement to the American Journal of International Law*, vol. iii (1909), pp 32–34.

(*a*) Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

(*b*) The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave-hunting.

(*c*) The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

(*d*) Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

(*e*) Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

(*f*) Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

(*g*) Restriction of the importation of fire-arms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave-trade is carried on.

3. The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to proceed gradually, as circumstances may permit, either by the means above indicated or by any other means that they may consider suitable, with the repression of the slave-trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

489. Thoughts on Duelling[1]

The medieval judicial combat, or wager of battle, stripped of its legality and divested of its religious sanction, became the modern duel of honor. The latter first arose in France during the sixteenth century. In spite of the opposition of Church and State, it flourished there until the time of the Revolution, subsequently degenerating into usually harmless encounters. Duelling began later in England than in France, but after the Restoration and under the Georges the practice was common enough. It has gradually become extinct in an industrial, democratic, and unromantic age. The criticism of duelling, given below, appeared in an American journal as early as 1789.

The usual excuse for duelling, is the preservation of honour — let us now examine what this honour is, for in all my enquiries I never could find a man of honour able to give me any information concerning what he called honour.

First, honour is not religion — for the preservation of it being effected by sending a friend into eternity, weltering in his gore, it is plain that religion must not only be for the time forgotten, but contemned and deserted for ever, as a heap of fables fit only for woman and children.

Secondly, honour is not virtue — for most part of the honourable quarrels which have come within my knowledge, originated from events that showed the total absence of virtue — such as gaming, attachment to bad women, drinking, seduction, etc.

Thirdly, honour is not courage — for a man of real courage never lifts his weapon in the defence of his vices, but in the protection of his country, or his person. And when we examine the false courage which animates a duellist, we find it to be the pride of despair, and an impious and daring contempt of the Supreme Being, which no valiant hero ever yet indulged. Besides, of fifty duels, not five prove mortal, owing to the pusillanimity of the parties, who tremble into each other's arms, on the slightest interposition of seconds; nay, some *men of honour* have been known to give secret notice to officers of justice, that they may be interrupted before bloodshed can take place.

Fourthly, honour is not humanity — view the bleeding body of

[1] *American Museum*, vol. vi (1789), pp. 282–283.

a newly-killed duellist — in the bloom of years and health — cut off ere he yet knew the value of the life he has lost — view his parents — his frantic father — and speechless mother — view their grey hairs brought with sorrow to an untimely grave — and all this — in the protection of a harlot — the loss of a false trick — or the obscene altercation of a drunkard — view this — then say in what the humanity of a duellist consists — take humanity from the heart of man, and tell me what he is.

Since honour, then, can be referred neither to religion, nor virtue, nor courage, nor humanity, where are we to look for its source? I do not hesitate to answer, that it will be found in a mixture of pride, profligacy, and malignity. The quarrel arose in pride; that profligacy which despises the laws of heaven, and the dictates of conscience, led to revenge, and the quarrel was supported, it may be for years, with the blackest malignity of soul. We have seen instances, in which it was supported for many years, and in which no avocations, nor intercourse with foreign and various nations, were able to erase the principle of revenge. The *man of honour* thirsted for the blood of his supposed or real enemy; his soul was influenced by passion and malignity, and nothing but human blood could cool its ardour. . . .

Honour, in the true sense of that word, means character — and this being the definition of philosophers, and men of understanding, I prefer it to the specious, though fashionable explanations of every profligate in the world, whether he wield a sword or a quill. If honour be character, who is it that can hurt that? — Is it ourselves, or others? The answer is so obvious, that I need scarcely write it. In a few words, we are ourselves the source of our honour or our disgrace, our character or our infamy — and does a man, who calls me booby — who throws a glass in my face in wantonness — who says that I trumped a card, when I had one of the same suite in my hand — who hinders me from seducing his wife or his sister — who is mean enough to abuse me in a common newspaper — who, unknowingly, is witty concerning a foible I am guilty of — who refuses to intoxicate himself to the health of my favourite mistress — who does not return my salute from not having perceived that I did salute

him — does such a man take from my honour, my character? Surely not. In some instances, he is an ill-bred man. Does that take from my character? In others, he protects the innocent. Does that take from my character? I repeat it, nothing can affect our honour, or our character, unless what comes from ourselves.

490. Platform of the Prohibition Party [1]

A national Prohibition Party, having for its central purpose the complete abolition by law of the liquor traffic in the United States, was organized in 1869. Its platform for 1876 is reproduced below. As will be seen, the Prohibitionists advocated many other social reforms besides the one which gave the party its name.

The Prohibition Reform party of the United States, organized in the name of the people to revive, enforce, and perpetuate in the government the doctrines of the Declaration of Independence, submit in this centennial year of the republic, for the suffrages of all good citizens, the following platform of national reforms and measures: —

1. The legal prohibition in the District of Columbia, the Territories, and in every other place subject to the laws of Congress, of the importation, exportation, manufacture, and traffic of all alcoholic beverages as high crimes against society; an amendment of the national Constitution to render these prohibitory measures universal and permanent; and the adoption of treaty stipulations with foreign powers to prevent the importation and exportation of all alcoholic beverages.

2. The abolition of class legislation and of special privileges in the government, and of the adoption of equal suffrage and eligibility to office without distinction of race, religious creed, property, or sex.

4. The suppression by law of lottery and gambling in gold, stocks, produce, and every form of money and property, and the penal inhibition of the use of the public mails for advertising schemes of gambling and lotteries.

[1] Edward Stanwood, *A History of the Presidency from 1788 to 1897*, Boston, 1898, pp. 364–365. Houghton Mifflin Company.

5. The abolition of those foul enormities, polygamy and the social evil, and the protection of purity, peace, and happiness of homes by ample and efficient legislation.

6. The national observance of the Christian Sabbath, established by laws prohibiting ordinary labor and business in all departments of public service and private employment (works of necessity, charity, and religion excepted) on that day.

7. The establishment by mandatory provisions in national and state constitutions, and by all necessary legislation, of a system of free public schools for the universal and forced education of all the youth of the land.

8. The free use of the Bible, not as a ground of religious creeds, but as a text-book of the purest morality, the best liberty, and the noblest literature, in our public schools, that our children may grow up in its light, and that its spirit and principles may pervade the nation.

9. The separation of the government in all departments and institutions, including the public schools and all funds for their maintenance, from the control of every religious sect or other association, and the protection alike of all sects by equal laws, with entire freedom of religious faith and worship.

10. The introduction into all treaties hereafter negotiated with foreign governments of a provision for the amicable settlement of international difficulties by arbitration.

11. The abolition of all barbarous modes and instruments of punishment; the recognition of the laws of God and the claims of humanity in the discipline of jails and prisons, and of that higher and wiser civilization worthy of our age and nation, which regards the reform of criminals as a means for the prevention of crime.

491. The Eighteenth Amendment [1]

The temperance movement in the United States was especially actuated by hostility toward the saloon, as a mischievous agency which interfered in politics and flaunted its temptations before the youth of the country. The failure of attempts to find substitutes for the saloon convinced a good many people that this baleful influence could only be

[1] *The Statutes at Large*, Washington, 1919, vol. xl, pt. ii, p. 1941.

removed from American life by drastic measures of prohibition. Abolition of the liquor traffic in the United States was long agitated by private organizations, such as the Woman's Christian Temperance Union and the Anti-Saloon League. Maine was the first state to adopt legal prohibition. Many states in the Middle West and South subsequently took the same action. Prohibition sentiment became at length so strong that the following constitutional amendment was proposed by Congress, December 18, 1917, was ratified by more than three-fourths of the state legislatures, and was declared in force January 16, 1920.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

492. A Suffragist Declaration of Independence [1]

The first woman's rights convention met at Seneca Falls, New York, in 1848, the leading agitators being Mrs. Elizabeth Cady Stanton, Martha C. Wright, and Lucretia Mott. The statement of principles and purposes adopted by them at this time was modeled, of set purpose, upon the Declaration of Independence.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

[1] Elizabeth C. Stanton, Susan B. Anthony, and Matilda J. Gage, *History of Woman Suffrage*, Rochester, N. Y., 1887, vol. i, pp. 70–71.

He has withheld from her rights which are given to the most ignorant and degraded men — both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master — the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women — the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her, in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world

a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to live a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation — in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press on our behalf. We hope this convention will be followed by a series of Conventions embracing every part of the country.

493. The Nineteenth Amendment [1]

As far back as 1869, when the Fifteenth Amendment to the Constitution, granting the suffrage to negroes, was before Congress, Miss Susan B. Anthony and her associates appealed to the legislators for the recognition of women as well. The appeal was denied. The women then organized the National Woman Suffrage Association and began a campaign of education to convince thinking people of the justice of their cause. Years passed without much apparent progress being made. Wyoming, when admitted to statehood in 1892, gave the ballot to women, and by 1918 fourteen other states had done the same. Finally, the constitutional amendment for woman suffrage (sometimes called the "Susan B. Anthony Amendment"), which had been constantly

[1] *The Statutes at Large*, Washington, 1921, vol. xli, pt. ii, p. 1823.

before Congress for forty years, received the approval of that body and went to the states for ratification. It was ratified in 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

494. Massachusetts School Law [1]

The Massachusetts law quoted below was enacted in 1647. The text has been slightly modernized.

It being one cheife project of the ould deluder, Satan, to keepe men from the knowledge of the Scriptures, as in former times by keeping them in an unknowne tongue, so in these latter times by perswading from the use of tongues, that so at least the true sence and meaning of the originall might be clouded by false glosses of saint seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavours, —

It is therefore ordered, that every towneship in this jurisdiction, after the Lord hath increased them [in] number to 50 householders, shall then forthwith appoint one within their towne to teach all such children as shall resort to him to write and reade, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in generall, by way of supply, as the major part of those that order the prudentials of the towne shall appoint; provided, those that send their children be not oppressed by paying much more than they can have them taught for in other townes; and it is further ordered, that where any towne shall increase to the number of 100 families or householders, they shall set up a grammer schoole,[2] the master thereof being able to instruct youth so farr as they shall be fited for the

[1] *Records of the Governor and Company of the Massachusetts Bay in New England*, Boston, 1853, vol. ii, p. 203.

[2] A grammar school was then understood to be a school where Greek and Latin were taught.

university,[1] provided, that if any towne neglect the performance hereof above one yeare, that every such towne shall pay £5 to the next schoole till they shall performe this order.

495. First American High-School Law [2]

An Act to Provide for the Education of Youth was passed by the General Court of Massachusetts in 1827. It is notable, not only as the first measure of the sort in any state, but also for its mandatory provisions. The high-school legislation of most American states long continued to be merely permissive in character. The first section of the Act is reproduced here.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That each town or district within this Commonwealth, containing fifty families, or householders, shall be provided with a teacher or teachers, of good morals, to instruct children in orthography, reading, writing, English grammar, geography, arithmetic, and good behaviour, for such term of time as shall be equivalent to six months for one school in each year. . . .

And every city, town, or district, containing five hundred families or householders, shall be provided with such teacher or teachers, for such term of time as shall be equivalent to twenty-four months, for one school in a year, and shall also be provided with a master of good morals, competent to instruct, in addition to the branches of learning aforesaid, the history of the United States, book-keeping by single entry, geometry, surveying, and algebra; and shall employ such master to instruct a school, in such city, town, or district, for the benefit of all the inhabitants thereof, at least ten months in each year, exclusive of vacations, in such convenient place or alternately at such places in such city, town, or district, as the said inhabitants, at their meeting in March, or April, annually, shall determine; and in every city or town, containing four thousand inhabitants, such master shall be competent to instruct, in addition to all the foregoing branches, the Latin and Greek languages, history, rhetoric, and logic.

[1] Harvard, founded in 1636.

[2] *The General Laws of Massachusetts*, Boston, 1827, vol. iii, pp. 179–180.

496. Founding of Harvard College [1]

A contemporary letter, part of which is now carved upon the college gates, records the founding (1636) of Harvard, the oldest educational institution in the United States. The letter was included in a pamphlet, *New England's First Fruits*, published in London in 1643.

After God had carried us safe to New England, and wee had builded our houses, provided necessaries for our liveli-hood, rear'd convenient places for God's worship, and settled the civill government: One of the next things we longed for and looked after was to advance learning and perpetuate it to posterity; dreading to leave an illiterate ministery to the churches, when our present ministers shall lie in the dust. And as wee were thinking and consulting how to effect this great work; it pleased God to stir up the heart of one Mr. Harvard [2] (a godly gentleman, and a lover of learning, there living amongst us) to give the one half of his estate (it being in all about £1700) towards the erecting of a Colledge, and all his Library: After him another gave £300, others after them cast in more, and the publique hand of the State added the rest: The Colledge was, by common consent, appointed to be at Cambridge, (a place very pleasant and accomodate) and is called (according to the name of the first founder) Harvard Colledge.

The edifice is very faire and comely within and without, having in it a spacious hall; where they daily meet at Commons, Lectures, and Exercises; and a large library with some books to it, the gifts of diverse of our friends, their chambers and studies also fitted for, and possessed by the students, and all other roomes of office necessary and convenient, with all needful offices thereto belonging. And by the side of the Colledge a faire Grammar Schoole, for the training up of young schollars, and fitting of them for Academical learning, that still as they are judged ripe, they may be received into the Colledge of this schoole: Master Corlet is the Mr. who hath very well approved himself for his

[1] *Collections of the Massachusetts Historical Society for 1792*, vol. i, pp. 242–243.

[2] John Harvard, a graduate of Emmanuel College, Cambridge, and a Puritan minister lately come to America. He died in 1638 and the following year the college (until then unorganized) was named in his honor.

abilities, dexterity and painfulnesse in teaching and education of the youths under him.

Over the Colledge is Master Dunster[1] placed, as President, a learned, conscionable and industrious man, who hath so trained up his pupils in the tongues and arts, and so seasoned them with the principles of divinity and Christianity, that we have to our great comfort (and in truth) beyond our hopes, beheld their progress in learning and godliness also. . . .

Over the Colledge are twelve Overseers chosen by the General Court, six of them are of the magistrates, the other six of the ministers, who are to promote the best good of it and (having a power of influence into all persons in it) are to see that every one be diligent and proficient in his proper place.

497. State Universities[2]

The American state university, public, secular, coëducational, and free, is a nineteenth-century innovation. Previous to its establishment private denominational colleges prepared men for the ministry and for a few other learned professions. Several southern states (notably Virginia in 1817) were the first to found universities, but the movement really began with the chartering of the University of Michigan in 1837, the year of the admission of that state into the Union. An eloquent and farsighted argument for state universities, as the crown of a system of public instruction, is found in the "Report to the Board of Regents of the University of Michigan," made in 1856 by President Henry P. Tappan.

A University is a collection of finished scholars in every department of human knowledge, associated for the purpose of advancing and communicating knowledge. To accomplish these purposes, they gather around them books on all subjects without any limit, specimens of art, specimens of natural history, apparatus for illustrating the laws of nature and for prying into her secrets; in fine, whatever may aid them in thought, investigation and discovery, and in making known the results of their labors. Living together, they aid and stimulate each other.

[1] Henry Dunster, the first president, served between 1640–1654.

[2] *Reports of the Superintendent of Public Instruction of the State of Michigan for the Years 1855, '56, and '57*, Lansing, 1858, pp. 161–165.

They form a centre of light, and irradiate it far and wide for the glory of their country, and for the good of mankind. They create an atmosphere filled with inspirations to thought, research and culture. Young men who have passed through the intermediate grade, and hence, who have learned the art and formed the habits of study, resort to them, to hear their lectures, to breathe their spirit, to copy their example, and to submit themselves to their guidance. Thus they multiply and perpetuate themselves. They instruct orally, and they instruct by books. They instruct their own country and times; they instruct foreign countries and future generations. They bring to bear the highest powers of mind, ripened and furnished to the highest degree upon those great subjects which embody all civilization, lead on all improvement, and multiply the enjoyments, elevate the condition, and determine the destiny of the race.

Where only the lower grades of education are found, a nation must ever remain imperfect in its civilization, must fail in the higher ends of social and national existence, and must be in a condition of servile dependence upon the cultivated nations for those works of science, art and literature which are indispensable to even material prosperity. But more than this; where only the lower grades of education are found, even these cannot be brought to perfection. The highest institutions are necessary to supply the proper standard of education; to raise up instructors of the proper qualifications; to define the principles and methods of education; to furnish cultivated men to the professions, to civil life, and to the private walks of society, and thus to diffuse everywhere the educational spirit. The common school can be perfected only through competent teachers. These can be provided only by institutions like the normal school, which belong to the intermediate or second grade of education. But the teachers of the normal school, again, require other and higher institutions to prepare them, such at least, as the academy, gymnasium or college; and these, the highest forms of the intermediate grade, can only look to the university for a supply of instructors. He who has passed through the common school is not fitted to teach a common school. He who has passed through

a normal school is not prepared to teach a normal school. He who has passed through a union school or an academy is not prepared to teach it. The graduate of a college is not prepared to become a college professor. But the direct object of a university is to prepare men to teach in the university itself, or in any other institution. Hence, those who in the universities become doctors — which means simply teachers — are by that very degree admitted to the vocation of a university instructor.

Thus on the one hand, the lower grades of education do not possess in themselves the power of advancing to the higher grades, inasmuch as their advance implies the superintendence and aid of the higher grades. This is confirmed by the whole history of education, which shows that the educational movement began with men of extraordinary gifts and attainments, who founded first the higher order of schools, and that education spread from the few to the masses. . . .

So the nation or community that builds up universities of the highest perfection will have every grade of education in the most perfect state. . . . We are no more to wait for universities to grow up as the last result of a ripe civilization, than we are to wait for railroads, steamships, manufactories, commerce, and the perfect form of all the industrial arts, as such a result. On the contrary, we are to create all as early as possible to hasten on civilization. All are necessary to civilization, and therefore none are to be delayed.

SECTION XXVI

RELIGION

498. The Ninety-five Theses[1]

Luther's Theses (1517) were written in Latin and were intended for discussion by theological experts. Their main interest, however, is not theoretical but practical. Each proposition deals with what Luther considered to be some popular error or ecclesiastical abuse. The translation of the Theses is by C. M. Jacobs.

1. Our Lord and Master Jesus Christ, when He said *Pœnitentiam agite*,[2] willed that the whole life of believers should be repentance.

2. This word cannot be understood to mean sacramental penance, *i.e.*, confession and satisfaction, which is administered by the priests.

3. Yet it means not inward repentance only; nay, there is no inward repentance which does not outwardly work divers mortifications of the flesh.

4. The penalty [of sin], therefore, continues so long as hatred of self continues; for this is the true inward repentance, and continues until our entrance into the kingdom of heaven.

5. The pope does not intend to remit, and cannot remit any penalties other than those which he has imposed either by his own authority or by that of the Canons.[3]

6. The pope cannot remit any guilt, except by declaring that it has been remitted by God and by assenting to God's remission; though, to be sure, he may grant remission in cases reserved to

[1] *Works of Martin Luther*, Philadelphia, 1915, vol. i, pp. 29–38. A. J. Holman Company.

[2] The Latin language has only the one word *pœnitentia* to express the two very distinct ideas of penance and penitence. The theologians of Luther's time took the injunction translated in the Vulgate *Pœnitentiam agite* to mean "Do penance." Luther and Erasmus understood it correctly to mean "Be penitent."

[3] Church decrees having the force of law.

his judgment. If his right to grant remission in such cases were despised, the guilt would remain entirely unforgiven.

7. God remits guilt to no one whom He does not, at the same time, humble in all things and bring into subjection to His vicar, the priest.

25. The power which the pope has, in a general way, over purgatory, is just like the power which any bishop or curate has, in a special way, within his own diocese or parish.

26. The pope does well when he grants remission to souls [in purgatory], not by the power of the keys (which he does not possess), but by way of intercession.[1]

27. They preach man [rather than God] who say that so soon as the penny jingles in the money-box, the soul flies out [of purgatory].

28. It is certain that when the penny jingles into the money-box, gain and avarice can be increased, but the result of the intercession of the Church is in the power of God alone.

29. Who knows whether all the souls in purgatory wish to be bought out of it? . . .

32. They will be condemned eternally, together with their teachers, who believe themselves sure of their salvation because they have letters of pardon.

33. Men must be on their guard against those who say that the pope's pardons are that inestimable gift of God by which man is reconciled to Him;

34. For these "graces of pardon" concern only the penalties of sacramental satisfaction, and these are appointed by man.

35. They preach no Christian doctrine who teach that contrition is not necessary in those who intend to buy souls out of purgatory or to buy *confessionalia*.

36. Every truly repentant Christian has a right to full remission of penalty and guilt, even without letters of pardon.

37. Every true Christian, whether living or dead, has part in all the blessings of Christ and the Church, and this is granted him by God, even without letters of pardon.

[1] This is a denial of the assertion that the pope's power to forgive and retain sin extends to Purgatory.

38. Nevertheless, the remission and participation [in the blessings of the Church] which are granted by the pope are in no way to be despised, for they are, as I have said,[1] the declaration of divine remission.

39. It is most difficult, even for the very keenest theologians, at one and the same time to commend to the people the abundance of pardons and [the need of] true contrition.

40. True contrition seeks and loves penalties, but liberal pardons only relax penalties and cause them to be hated, or at least furnish an occasion [for hating them].

43. Christians are to be taught that he who gives to the poor or lends to the needy does a better work than buying pardons.

50. Christians are to be taught that if the pope knew [of] the exactions of the pardon-preachers, he would rather that St. Peter's church[2] should go to ashes, than that it should be built up with the skin, flesh and bones of his sheep.

56. The "treasures of the Church," out of which the pope grants indulgences, are not sufficiently named or known among the people of Christ.

57. That they are not temporal treasures is certainly evident, for many of the vendors do not pour out such treasures so easily, but only gather them.

58. Nor are they the merits of Christ and the Saints, for even without the pope, these always work grace for the inner man, and the cross, death, and hell for the outward man.

59. St. Lawrence said that the treasures of the Church were the Church's poor, but he spoke according to the usage of the word in his own time.

62. The true treasure of the Church is the Most Holy Gospel of the glory and the grace of God.

71. He who speaks against the truth of apostolic[3] pardons, let him be anathema and accursed!

72. But he who guards against the lust and license of the pardon-preachers, let him be blessed!

[1] See above, Thesis 6.

[2] The new St. Peter's at Rome, which was to be built with the indulgence money.

[3] *I.e.*, papal.

81. This unbridled preaching of pardons makes it no easy matter, even for learned men, to rescue the reverence due to the pope from slander, or even from the shrewd questionings of the laity.

82. To wit: — "Why does not the pope empty purgatory, for the sake of holy love and of the dire need of the souls that are there, if he redeems an infinite number of souls for the sake of miserable money with which to build a Church? The former reasons would be most just; the latter is most trivial."

86. Again: — "Why does not the pope, whose wealth is to-day greater than the riches of the richest, build just this one church of St. Peter with his own money, rather than with the money of poor believers?"

88. Again: — "What greater blessing could come to the Church than if the pope were to do a hundred times a day what he now does once,[1] and bestow on every believer these remissions and participations?"

90. To repress these arguments and scruples of the laity by force alone, and not to resolve them by giving reasons, is to expose the Church and the pope to the ridicule of their enemies, and to make Christians unhappy.

91. If, therefore, pardons were preached according to the spirit and mind of the pope, all these doubts would be readily resolved; nay, they would not exist.

94. Christians are to be exhorted that they be diligent in following Christ, their Head, through penalties, deaths, and hell;

95. And thus be confident of entering into heaven rather through many tribulations, than through the assurance of peace.

499. Edict of the Diet of Worms [2]

This edict, putting Luther under the ban of the Empire, seems to have been the composition of the papal legate, Alexander. It was signed

[1] A letter of indulgence entitled its possessor to absolution "once in life and in the article of death."

[2] H. C. Vedder, *The Reformation in Germany*, New York, 1914, pp. 420–422. Macmillan Company.

by Charles V and was passed by the Diet on May 26, 1521. By that time most of the members, including the elector of Saxony and other supporters of Luther, had gone home, and the law was practically forced on the remaining members by intrigue and imperial pressure. The translation below follows the German text, with occasional reference to the Latin version.

8. Although, after the delivery of the papal bull [1] and final condemnation of Luther, we announced that exhortation in many places in the German nation, as well as in our Burgundian lands, and especially enjoined on Cologne, Trier, Mainz, and Lüttich to obey and execute it, nevertheless, Martin Luther has taken no account of it, nor improved, nor revoked his errors, nor sought absolution from his papal Holiness and grace from the holy Christian Church, but like a madman plotting the manifest destruction of the holy Church, daily scatters abroad much worse fruit and effect of his depraved heart and mind, through very numerous books, both in Latin and German, composed by himself, or at least under his name, which are full of heresies and blasphemies, not only new but formerly condemned by holy Councils.

9. Therein he destroys, overturns, and injures the number, arrangement and use of the seven sacraments, so many years held by the holy Church, and in wondrous ways shamefully pollutes the indissoluble bonds of holy matrimony. He says also that holy unction is without efficacy. He desires also to adapt our use and enjoyment of the unutterably holy sacrament [2] to the custom and use of the condemned Bohemians.[3] And he begins to involve in his errors confession, which is most wholesome for the hearts that are polluted or laden with sins, so that no basis nor fruit can be received from it. Finally, he threatens to write so much further of confession (if that is allowed) that not only will almost all who have read his crazy writings dare to say that confession is useless, but also there will be few who do not declare that one should not confess.

[1] The bull *Exsurge Domine*, promulgated by Leo X in June, 1520, and publicly burned by Luther the following December.

[2] The Eucharist.

[3] Hussites.

10. He not only holds irreligious ideas concerning the priestly office and order, but also urges secular and lay persons to bathe their hands in the blood of priests; and he uses scurrilous and shameful words against the chief priest of our Christian faith, the successor of St. Peter and true Vicar of Christ on earth, and pursues him with manifold and unheard-of enmities and invectives. He confirms also from the heathen poets that there is no free-will, because all things are settled by an immutable decree.

11. And he writes that the Mass confers no benefit on him for whom it is celebrated. Moreover he overthrows the custom of fasting and prayer, established by the holy Church and hitherto maintained. Especially does he impugn the authority of the holy Fathers, as they are received by the Church, and wholly deprives them of obedience and authority. . . .

12. He does not blush to speak publicly against holy councils, and to abuse and insult them at will. Especially has he everywhere bitterly attacked the Council of Constance with his foul mouth, and calls it a synagogue of Satan, to the shame and disgrace of the whole Christian Church and of the German nation. . . . And he has fallen into such madness of spirit as to boast, that if Hus were a heretic he is ten times a heretic.

13. And all the other innumerable wickednesses of Luther, for the sake of brevity, may remain unreckoned. This fellow appears to be not so much a man as a wicked demon in the form of a man, clothed in monk's garb. . . .

14. All this have we taken to heart, in view of the power of our imperial office and dignity with which we have been endowed by God; also of our love and attachment, which we like our predecessors have and bear toward the protection, upholding and defence of the Christian faith, as well as the honor of the Roman Bishop and holy See. And we consider, especially after the aforesaid admonition of papal Holiness, that it will not be possible for us to be careless in so great and frightful a matter, without great reproach to ourself and outrage and wrong to all Christendom. And we shall not do thus, such is not our will and disposition, but we wish rather to walk in the footsteps of our predecessors, the Roman Emperors, and emulate their illustrious

deeds by giving full protection to the Christian Church, and adhere to the excellent regulations made for the punishment and extirpation of heretics.[1] . . .

500. "Ein' Feste Burg ist Unser Gott"[2]

Luther's stirring hymn — the *Marseillaise* of the Reformation, as Heine called it — was first printed in a German hymn-book of 1528. The translation is that by Thomas Carlyle.

A safe stronghold our God is still,
A trusty shield and weapon;
He'll help us clear from all the ill
That hath us now o'ertaken.
The ancient Prince of Hell,
Hath risen with purpose fell;
Strong mail of Craft and Power,
He weareth in this hour,
On Earth is not his fellow.

With force of arms we nothing can,
Full soon were we down-ridden;
But for us fights the proper Man,
Whom God himself hath bidden.
Ask ye, Who is this same?
Christ Jesus is his name,
The Lord Zebaoth's[3] Son,
He and no other one
Shall conquer in the battle.

And were this world all Devils o'er
And watching to devour us,

[1] The edict then proceeds to declare Luther "an obstinate schismatic and manifest heretic," to order his arrest and confinement after the expiration of the twenty days during which he enjoyed the imperial safe-conduct, and to forbid any one to "buy, sell, read, preserve, copy, print, or cause to be copied or printed" any of his writings. Luther's friends and followers are to be proceeded against in like fashion.

[2] *Fraser's Magazine*, vol. ii (1831), p. 744.

[3] *I.e.*, Sabaoth, armies or hosts.

We lay it not to heart so sore,
Not they can overpower us.
And let the Prince of Ill
Look grim as e'er he will,
He harms us not a whit,
For why? His doom is writ,
A word shall quickly slay him.

God's Word, for all their craft and force,
One moment will not linger,
But spite of Hell, shall have its course,
'Tis written by his finger.
And tho' they take our life,
Goods, honour, children, wife,
Yet is their profit small;
These things shall vanish all,
The City of God remaineth.

501. Reform Program of the Bishop of Pomesania [1]

Lutheranism soon spread outside the Empire to Prussia. Margrave Albert of Brandenburg, who as Grand Master of the Teutonic Order lived in East Prussia, became a Protestant and in 1525 converted its territories into a secular duchy. About the same time the new bishop of Pomesania, Erhard von Queiss, put forth the following reform program, which summarizes the principal changes in doctrine and ritual introduced by Lutheranism. East Prussia thus acquired its new political status and religion together.

Hitherto ye have held seven sacraments, but not rightly. Henceforward faith must be before all things the foundation of your salvation, and ye must have no more sacraments than Christ ordained, namely, Holy Communion and Holy Baptism.

Henceforward no ban shall hold good which burdens the conscience without ground in God's Word, and is of force only by human institution.

Henceforward no confession shall be made to the priest, whereby a man is bound to make known all his sins.

[1] B. J. Kidd, *Documents Illustrative of the Continental Reformation*, Oxford, 1911, pp. 189–191. Clarendon Press.

Henceforward there shall be no pilgrimages nor wanderings to holy places, since they aid no man's salvation.

Henceforward no processions shall be held, for they have no ground in God's Word.

Henceforward no ringing nor singing nor Masses nor Vigils for the dead are to be held; for they are of no use, and of no avail.

Henceforward no water, salt, ashes, palms, tapers, greenery, and the like are to be hallowed: for it is all nonsense and no good.

There are to be no obsequies and celebrations for the dead, and no prayers for them. For they are in God's hand and judgment.

There are to be no more Orders, neither monks nor nuns; but only such Orders as war against unbelievers and heathen, like the Teutonic Order.[1]

Bishops shall continue and remain; not anointing-bishops nor ordaining-bishops, but such as preach and teach and expound the pure word of God and preside over the Church.

Henceforward there are to be no superstitious distinctions made of days and seasons, with all sorts of Feast Days, Fridays, Saturdays, Ember Days, Fast Days, and so on; but every day alike shall be the Lord's Day, for eating flesh or fish as every man likes or finds necessary, or according as the good God may bestow it.

Easter, Whitsuntide, and Christmas, together with Sundays, are to be kept in Christian fashion, as is conformable to God's Word and order. Other such Holy Days as are not grounded in God's Word and keep men from their daily work and calling are sheer nonsense and fables, and conduce to bad example.

Hymns and prayers in church are to be in German, so that every man may understand. *Salve regina* [2] is not to be sung, for it conduces to God's dishonour. Holy Baptism is to administered in German, without chrism and oil.

Tithes are not to be given to priests who do not serve their office, but those who minister at the altar are to be paid from the altar.

[1] A military-religious order which was mainly responsible for the forced conversion of the heathen Prussians in the thirteenth century.

[2] A hymn to the Virgin Mary.

In no church shall the Consecrated Bread be reserved nor taken for God's Body except at the Communion, according to Christ's institution, nor carried about.

Pictures in houses and churches are not to be prayed to, nor to have any candles lit before them.

Allowing and forbidding of marriage on account of sponsorship is mere nonsense, and not grounded in God's Word.

Brotherhoods and guilds are to direct and lay out their endowments, not on the Mass, but on the maintenance of the poor and other pious uses.

The daily Mass is an abomination to God; so henceforward it is not to be observed in any church or anywhere.

When a man desires to go to Holy Communion, he must cause the priest, his confessor, to inform him out of God's Word, and must also inform himself, how he should receive and take the bread and wine according to Christ's institution in both kinds.

If any one thinks that he can make satisfaction for his sins himself or can save himself apart from the merits of Christ, *anathema esto*, let him be damned!

All priests and monks and nuns are at liberty to leave their orders and marry.

502. The Religious Peace of Augsburg[1]

Charles V, Holy Roman Emperor and devout Roman Catholic, had no sympathy with the Reformation. He declared at the Diet of Worms in 1521 his determination to stake "all his dominions, his friends, his body and blood, his life and soul" upon the extinction of the Lutheran heresy. A revolt in Spain and wars with the French and the Ottoman Turks led, however, to his long absence from Germany and kept him from proceeding effectively against the Lutherans until too late. It was not until 1546, the year of Luther's death, that Charles felt his hands free to suppress the rising tide of Protestantism. He brought Spanish troops into Germany, where the Lutheran princes had formed a league for mutual protection. Civil war raged for nearly a decade. The Peace of Augsburg (1555), which ended the struggle, was a compromise. The ruler of each state — Germany then contained over three hundred states — was to decide whether his subjects should be Luther-

[1] H. C. Vedder, *The Reformation in Germany*, New York, 1914, pp. 441–442. Macmillan Company.

ans or Catholics. This principle of *Cuius regio, eius religio* formed a victory for territorialism in religion, not for toleration. No subject received religious freedom; no Calvinist gained recognition. The peace was a great blow to the Papacy, whose influence over half Germany it annihilated. The following are some of its most important clauses.

2. We[1] therefore establish, will and command, that from henceforth no one — of whatsoever honor, rank or character he may be, for any sort of cause, whatever name it may have or under whatever pretence it shall be done — shall engage in feuds, make war upon, rob, seize, invest or besiege another. Nor shall he, in person or through any agent, descend upon any castle, town, manor, fortification, villages, estates, hamlets, or without the consent of that other, seize them wickedly with violent deed, nor damage them by fire or in other ways. Nor shall anyone give such perpetrators counsel or help, or render them aid and assistance in any other way. Nor shall one knowingly or willingly show them hospitality, house them, give them to eat or drink, keep or suffer them. But every one shall love the other with true friendship and Christian love. . . .

3. And in order that such peace . . . may be the more established, founded, and made secure and enduring between the Roman Imperial Majesty and Us and the Electors, Princes and Estates of the Holy Empire of the German nation; therefore the imperial Majesty, and We, and the Electors, Princes and Estates of the Holy Empire, will make war on no Estate of the Empire on account of the Augsburg Confession[2] and the doctrine, religion and faith of the same, nor injure, nor do violence to, or in other ways invade it, against conscience, knowledge and will, where the religion, faith, church-usages, ordinances and ceremonies of the Augsburg Confession have been established or may hereafter be established in their principalities, lands and dominions. Nor shall they through mandate, or in any other way trouble or disparage them, but shall let them quietly and peacefully remain in their religion, faith, church-usages, ordinances

[1] Ferdinand of Austria, who signed the peace in behalf of his brother, the emperor Charles V.

[2] Adopted by German Protestants in 1530.

and ceremonies, as well as their possessions, real or personal property, land, people, dominions, governments, honors and rights. . . .

4. On the other hand, the Estates that have accepted the Augsburg Confession shall suffer his imperial Majesty, Us and Electors, Princes, and other Estates of the Holy Empire, adhering to the old religion, . . . to abide in like manner by our religion, faith, church-usages, ordinances and ceremonies. They shall also have undisturbed their possessions, real and personal property, lands, people, dominions, government, honors and rights, rents, interest and tithes. They shall suffer them to possess these peaceably and quietly, to enjoy them, to follow after them unmolested, and faithfully to remain in them. Nor shall they by force or other misdeeds undertake anything against them, but in all ways, according to the letter and order of the laws of the Holy Empire, its rights, ordinances and edicts, and the established peace of the land, each one shall with regard to the other content himself with his proper and legitimate rights — all of which in accordance with princely honor, true words, the sanctions of the established peace of the land include.

5. Yet all others, if they are not adherents of either of the above mentioned religions, are not intended in this peace, but shall be altogether excluded.

503. Zwingli's Sixty-seven Articles [1]

The Reformation in Switzerland started with Zwingli (1484–1531), an enthusiastic humanist and a disciple of Erasmus. Zwingli began to preach the "Gospel" while still a parish priest, and after his transference to the cathedral of Zürich in 1519 he threw himself wholeheartedly into the reforming movement. Pope Adrian VI now interfered and asked the Zürichers to abandon their popular preacher. The Town Council was persuaded, however, to allow a public disputation of religious questions. Here the reformer vindicated his position so strongly that the Council ordered the abolition of various Catholic ceremonies and subsequently separated the canton from the bishopric of Constance. Extracts from the sixty-seven Articles, or Theses, which Zwingli defended at the disputation in 1523, are quoted below.

[1] S. M. Jackson, *Selected Works of Huldreich Zwingli*, Philadelphia, 1901, pp. 111–117. Department of History, University of Pennsylvania.

1. All who say that the Gospel is invalid without the confirmation of the Church err and slander God.

16. In the Gospel one learns that human doctrines and decrees do not aid in salvation.

17.[1] That Christ is the only eternal high priest, wherefrom it follows that those who have called themselves high priests have opposed the honor and power of Christ, yea, cast it out.

18.[2] That Christ, having sacrificed himself once, is to eternity a certain and valid sacrifice for the sins of all faithful, wherefrom it follows that the mass is not a sacrifice, but is a remembrance of the sacrifice and assurance of the salvation which Christ has given us.

19.[3] That Christ is the only mediator between God and us.

22.[4] That Christ is our justice, from which follows that our works in so far as they are good, so far they are of Christ, but in so far as they are ours, they are neither right nor good.

23.[5] That Christ scorns the property and pomp of this world, whence from it follows that those who attract wealth to themselves in his name slander him terribly when they make him a pretext for their avarice and wilfullness.

27.[6] That all Christian men are brethren of Christ and brethren of one another, and shall create no father [for themselves] on earth. Under this condemnation fall orders, sects, brotherhoods, etc.

28.[7] That all which God has allowed or not forbidden is righteous, hence marriage is permitted to all human beings.

31.[8] That no special person can impose the ban upon any one, but the Church, that is, the congregation of those among whom the one to be banned dwells, together with their watchman, *i.e.*, the pastor.

50. God alone remits sin through Jesus Christ, his Son, and alone our Lord.

51. Who assigns this to creatures detracts from the honor of God and gives it to him who is not God; this is real idolatry.

[1] The pope.
[2] The Mass.
[3] Intercession of saints.
[4] Good works.
[5] Clerical property.
[6] Monastic orders.
[7] Clerical marriage.
[8] Excommunication.

52. Hence the confession which is made to the priest or neighbor shall not be declared to be a remittance of sin, but only a seeking for advice.

53. Works of penance coming from the counsel of human beings (except the ban) do not cancel sin; they are imposed as a menace to others.

54. Christ has borne all our pains and labor. Hence whoever assigns to works of penance what belongs to Christ errs and slanders God.

55. Whoever pretends to remit to a penitent being any sin would not be a vicar of God or St. Peter, but of the devil.

57. The true divine Scriptures know naught about purgatory after this life.

58. The sentence of the dead is known to God only.

59. And the less God has let us know concerning it, the less we should undertake to know about it.

61.[1] About the consecration which the priests have received in late times the Scriptures know nothing.

62. Furthermore, they know no priests except those who proclaim the word of God.

66. All the clerical superiors shall at once settle down, and with unanimity set up the cross of Christ, not the money-chests, or they will perish, for I tell thee the ax is raised against the tree.

67. If any one wishes conversation with me concerning interest, tithes, unbaptized children or confirmation, I am willing to answer.

504. Edict of Nantes[2]

The celebrated edict which Henry IV issued "for the pacification of the troubles of his reign" was given at Nantes in April, 1598, and published at Paris the following February. By its terms the Huguenots were to enjoy freedom of private worship everywhere in France, and freedom to worship publicly in a large number of places. Only Roman Catholic services, however, might be held in Paris and at the royal court. The edict did not grant complete religious toleration, but it marked an important step in that direction. It is a lengthy document, containing

[1] Ordination.

[2] *Papers of the American Society of Church History*, vol. i (1889), pp. 88–89.

ninety-two principal Articles, besides fifty-six supplementary Articles designed to reassure the Huguenots. Only the king's prefatory remarks are reproduced below.

Among the infinite graces it has pleased God to bestow on us, this is the most signal and remarkable, that he has given us virtue and strength to withstand the frightful troubles, confusions, and disorders which attended our accession to the throne, when the country was torn into parties and factions, . . . and that he has so strengthened us against this difficulty, that we have at length surmounted it, and reached a harbor of safety and repose for the State. . . . And in this remarkable concurrence of so great and perilous affairs, it not being in our power to settle everything at one and the same time, it has been necessary for us to follow this order, namely, to undertake first those things which could be settled only by force, and the rather to remit and lay aside till some other time such as could and should be settled by reason and justice: such as the different views of our good subjects, and the particular evils of the more healthy parts of the State, which we deemed easily curable, after the principal cause had been taken away, namely, the continuance of civil war. In which having (by the grace of God) well and happily succeeded, and both arms and hostilities having ceased within the entire kingdom, we hope for an equally prosperous issue in what remains to be settled, and that by this means we shall attain to the establishment of a good peace and tranquil repose, which has always been the object of our wishes and prayers, and the reward that we desire for so many sufferings and labors through which we have passed in the course of our life. . . .

But now that it has pleased God to give us a beginning of quiet and repose, we esteem it the best employment in our power to apply ourselves to what concerns his holy name and service, and to bring it about that he should be worshiped and adored by all our subjects: and if it has not pleased him that there should be one and the same form of religion, yet there should be the same intention, and under such regulations that there should arise no tumult or disturbance on account of it among you: and that both we and this kingdom may ever merit and preserve the title

of *very Christian*, which has been acquired for so long a time, and by so many merits: and by the same means to take away the cause of evil and trouble which can befall the cause of religion, which is ever the most supple and penetrating of all.

On this occasion, considering the affair as one of the very greatest importance, and worthy of the very gravest consideration, after receiving the complaints of our Catholic subjects, having also permitted our subjects of the Pretended Reformed Religion [1] to assemble by deputies and draw up theirs, and to bring together all their remonstrances, and having conferred with them at divers times in regard to the matter, and having read over the preceding edicts, we have thought it necessary, at this time, to give to all our subjects a general law, clear, concise, and absolute, by which they may govern themselves with regard to all differences which have hitherto sprung up, or may hereafter arise, among them, and of which both may be a subject of contention, as the temper of the times may be. . . . On our part, we engage its strict observance, suffering no infringement thereof.

505. Revocation of the Edict of Nantes [2]

Louis XIV had no love for the Huguenots, whom he regarded as heretics, and whose Calvinistic principles, he knew, endowed them with scant respect for absolute monarchy. The Revocation of the Edict of Nantes in 1685 formed only the culmination of a long series of repressive measures, the earliest of which almost coincided with the beginning of the king's personal government. The Huguenots, after nearly a century of practical religious toleration, were now denied freedom of worship and were also deprived of their rights as citizens. They continued to be an outlawed and persecuted sect until shortly before the French Revolution. The introduction to the document reads as follows:

The King Henry the Great, our grandfather of glorious memory, wishing that the peace he had procured for his subjects after the great losses they had suffered by the civil and foreign wars, should not be disturbed on account of the said R. P. R.,[3] as had happened in the reigns of the kings his predecessors, did,

[1] *Religion prétendue réformée* — the official designation of French Protestantism.
[2] *Papers of the American Society of Church History*, vol. i (1889), pp. 111–113.
[3] *I.e.*, "Pretended Reformed Religion."

by his edict given at Nantes, in the month of April, 1598, regulate the conduct to be pursued towards those of the said Religion, the places where they could exercise it, established extraordinary judges to administer justice to them, and in fine, provided by private articles for all which might be deemed necessary to maintain tranquillity in his kingdom, and to diminish the aversion between persons of both religions; in fine, that he might be in a better state to work, as he had resolved to do, to reunite to the church those who had so easily withdrawn from it. However, the King our said late lord and father,[1] using his usual clemency, granted them a new edict at Nismes, in the month of July, 1629, by means of which tranquillity being again established, and the said late King being animated by the same spirit and the same zeal for religion as the King our late grandfather, resolved to profit by this repose to attempt the execution of his pious design; but the foreign wars happening a few years after, so that from 1635 till the truce concluded in the year 1684 with the Princes of Europe, the kingdom being scarcely a moment free from agitation, it was impossible to do anything for the advantage of religion except to diminish the number of exercises of the R. P. R. by the interdiction of such as were found to be prejudicial to the provisions of the edicts and by the suppression of the mixed Chambers, whose erection had been made only provisionally.

God having at length permitted our people to enjoy perfect repose, and we ourselves not being occupied with the cares of protecting them against our enemies, having it in our power to take advantage of this truce to bestow our entire application in order to find the means of succeeding in the designs of the Kings our said grandfather and father, into which we have entered from our first accession to the crown. We see now with the just gratitude we owe to God, that our pains have the end which we proposed, since the better and larger portion of our subjects of the said R. P. R. have embraced the Catholic Religion: and inasmuch as the execution of the said edict, and of all that has been ordered in favor of the said R. P. R. has been useless, we

[1] Louis XIII.

have judged that we could do nothing better to efface entirely the memory of the troubles, of the confusion and the misfortunes that the progress of this false religion has caused in our kingdom, and which have given room for the said edict, and to so many other edicts and declarations which have preceded or been made in consequence of it, than to revoke entirely the Edict of Nantes, and the special articles granted in consequence of it and all that has been done in favor of the said Religion.

506. Declaration of Gallican Liberties [1]

Louis XIV, however devoted to Roman Catholicism, did not intend to permit papal encroachments on his authority. This attitude brought him into many controversies with Innocent XI, which lasted until the death of that pope. In 1682 Louis summoned at Paris a general assembly of the French clergy to define the limits of the spiritual and temporal powers as these were understood by the so-called Gallican, or national, party. Bossuet, the eminent bishop of Meaux, drew up the following Declaration, which was accepted by the clergy and was then confirmed by royal edict.

1. That S. Peter and his successors, Vicars of Jesus Christ, and the whole Church herself, have only received power of God in things spiritual, and pertaining to eternal salvation, not in things civil or temporal, the Lord Himself having said, "My Kingdom is not of this world," and also "Render unto Cæsar the things that be Cæsar's, and unto God the things that are God's"; as also firmly declareth the Apostle, "Let every soul be subject unto the higher powers: for there is no power but of God; the powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God." Therefore kings and princes are in nowise subjected by God's appointment to any ecclesiastical power in temporal things; neither can the authority of the Keys of the Church directly or indirectly depose them, or their subjects be dispensed from the obedience and fidelity of their oaths to the same: and this doctrine we affirm to be necessary for the maintenance of public peace, no less profitable to the Church than to the State, and to be everywhere and every way observed

[1] Mrs. H. L. S. Lear, *Bossuet and His Contemporaries*, London, 1874, pp. 265–267. Longmans, Green, and Company, Ltd.

as agreeable to the Word of God, to the tradition of the Fathers, and the example of the Saints.

2. That the full powers held by the Holy Apostolic See and the successors of S. Peter, as Vicars of Christ, in spiritual things, are the same as the decrees of the holy Œcumenical Council of Constance,[1] put forth in its IVth and Vth Sessions, which were approved by the Holy Apostolic See, confirmed by the practice of all the Church and of the Roman Pontiffs, and religiously observed at all times by the Gallican Church; that they abide in full force, and that the Gallican Church does not uphold those who would impugn their authority, or say that they were only adopted by the Council at a time of schism.

4. And that although the Pope has a chief voice in matters of faith, and that his decrees concern all Churches, nevertheless his judgment is not unalterable, except with the consent of the Church.

507. The Concordat[2]

The Convention, by decrees passed in 1795, had definitely separated Church and State and had guaranteed complete freedom of worship throughout France. The decrees remained in force until 1802, when Napoleon and Pope Pius VII made an agreement, or Concordat, for the restoration of Catholicism as the official religion. The First Consul reserved to himself the appointment of bishops and archbishops, and the pope gave up all claims to the confiscated property of the Church. The Concordat formed a singularly politic measure, for by confirming the peasantry in their possession of the ecclesiastical lands it bound up their interests with those of Napoleon. It continued to regulate the relations between France and the Papacy until abrogated by the French government in 1905. The restoration of Catholicism to an official status was accompanied by legislation granting to Lutherans and Calvinists liberty of worship, and six years later Jews received the same privilege.

The catholic, apostolic and Roman religion shall be freely exercised in France: its worship shall be public, and in conform-

[1] In 1415.

[2] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Second Edition), Minneapolis, 1908, pp. 297–298.

ity with the police regulations which the government shall deem necessary for the public tranquillity. . . .

The nominations to the bishoprics which shall be vacant in the future shall . . . be made by the First Consul, and the canonical institution shall be given by the holy see. . . .

Before entering upon their functions, the bishops shall take directly, at the hands of the First Consul, the oath of fidelity which was in use before the change of government, expressed in the following terms:

"I swear and promise to God, upon the holy scriptures, to remain in obedience and fidelity to the government established by the constitution of the French Republic. I also promise not to have any intercourse, not to assist by any counsel, nor to support any league, either within or without, which is inimical to the public tranquillity; and if, within my diocese or elsewhere, I learn that anything to the prejudice of the state is being contrived, I will make it known to the government."

The ecclesiastics of the second rank shall take the same oath at the hands of the civil authorities designated by the government.

The following form of prayer shall be repeated at the end of divine service in all the catholic churches of France: *Domine, salvam fac Rempublicam; Domine, salvos fac Consules.*[1] . . .

His Holiness, in the interest of peace and the happy reëstablishment of the catholic religion, declares that neither he nor his successors will disturb in any manner the purchasers of the alienated ecclesiastical estates, and that, in consequence, the ownership of these same estates, the rights and revenues attached to them, shall be indefeasible in their hands and in those of their assigns.[2]

508. The Law of Separation [3]

Abolition of the Concordat and the separation of Church and State in France were secured by the Law of Separation. Enacted in Decem-

[1] "O Lord, preserve the Republic"; "O Lord, preserve the Consuls."

[2] The Concordat was signed on July 15, 1801, but it was not promulgated in France until April 8, 1802.

[3] Paul Sabatier, *Disestablishment in France*, London, 1906, pp. 139–140. Translated by Robert Dell. George Allen and Unwin, Ltd.

ber, 1905, it went into effect on January 1, 1906. Title I, dealing with general principles of the law, reads as follows:

1. The Republic assures liberty of conscience, and guarantees the free practice of religions, subject only to the restrictions hereinafter enacted in the interest of public order.

2. The Republic neither recognises nor salaries nor subsidises any religion. Consequently, on and after the first day of January next after the promulgation of the present law, will be omitted from the budgets of the State, of the departments and of the communes, all expenses connected with the practice of religions. Nevertheless, there may still be included in the said budgets expenses connected with the provision of chaplains and intended to ensure the free practice of religions in public institutions, such as *lycées*, colleges, schools, hospitals, asylums, and prisons. The public religious establishments[1] are hereby suppressed.

509. Act of Supremacy[2]

The subservient Parliament of Henry VIII passed this statute in 1534. It was repealed, twenty years later, under Queen Mary. It had been preceded by statutes cutting off the financial connection between the Church of England and the Papacy, abolishing appeals in ecclesiastical matters to any court outside of England, and forbidding papal dispensations and the payment of Peter's Pence. The clergy had already accepted the new order by an act passed in their Convocation of 1532 and usually known as the Submission of the Clergy.

Albeit the king's majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their Convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same; be it enacted by authority of this present Parliament, that the king our sovereign lord,

[1] Those of the Catholic, Protestant, and Jewish bodies recognized by the Concordat.

[2] *Statutes of the Realm*, 26 Henry VIII, cap. 1. Henry Gee and W. J. Hardy, *Documents Illustrative of English Church History*, London, 1896, pp. 243–244. Macmillan and Company, Ltd.

his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head in earth of the Church of England, called *Anglicana Ecclesia;* and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm; any usage, custom, foreign law, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

510. Elizabethan Act of Uniformity[1]

Several Uniformity Acts were passed during Elizabeth's reign, after the precedent set by similar legislation under Edward VI. The Act quoted in part below dates from 1559.

And further be it enacted by the queen's highness, with the assent of the Lords and Commons in this present Parliament assembled, and by authority of the same, that all and singular ministers in any cathedral or parish church, or other place within this realm of England, Wales, and the marches of the same, or other the queen's dominions, shall from and after the feast of the Nativity of St. John Baptist next coming[2] be bounden to say and use the Matins, Even-song, celebration of the Lord's Sup-

[1] *Statutes of the Realm*, 1 Elizabeth, cap. 2. Henry Gee and W. J. Hardy, *Documents Illustrative of English Church History*, London, 1896, pp. 459–463. Macmillan and Company, Ltd.

[2] June 24, 1559.

per and administration of each of the sacraments, and all their common and open prayer. . . .

And that from and after the said feast of the Nativity of St. John Baptist next coming, all and every person and persons inhabiting within this realm, or any other the queen's majesty's dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days, and then and there to abide, orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered; upon pain or punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands, and tenements of such offender, by way of distress.

511. The Declaration of Indulgence of James II [1]

Charles II had issued a Declaration of Indulgence in 1672. The immediate motive was political — to unite the whole nation then on the eve of war with Holland. As a measure of ecclesiastical policy it represented an attempt to grant that "liberty to tender consciences" which the king had promised at Breda, just before his return to England. The Declaration of 1672 proclaimed the failure of the policy to secure uniformity of religious belief and practice by coercive legislation and granted toleration by an exercise of the royal prerogative. It was naturally welcomed by both Nonconformists and Roman Catholics. The Declaration remained in force for only a year. Parliament contested its legality, not only as a veiled attack on the Anglican Church, but also as an unwarranted suspension of the laws of the realm. The contest between King and Parliament ended in complete victory for the latter; Charles II recognized the strength of the opposition and cancelled the Declaration. It remained for James II, anxious to give his fellow-Roman Catholics a better position in England and sincerely impressed

[1] Henry Gee and W. J. Hardy, *Documents Illustrative of English Church History*, London, 1896, pp. 641–642. Macmillan and Company, Ltd.

with a belief in toleration, to challenge the same united forces of religious bigotry and constitutionalism. The Declaration which he issued in 1687 and which is reproduced below formed a more complete and liberal grant of toleration than that of his brother Charles. It was republished, in almost identical terms, in 1688, with an order that it be read by the clergy to their congregations. In addition to its significance in the general history of toleration, the Declaration has importance as one of the acts of James II leading to the downfall of the Stuart monarchy.

We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholic Church; yet we humbly thank Almighty God, it is and has of long time been our constant sense and opinion (which upon divers occasions we have declared) that conscience ought not to be constrained nor people forced in matters of mere religion: it has ever been directly contrary to our inclination, as we think it is to the interest of government, which it destroys by spoiling trade, depopulating countries, and discouraging strangers, and finally, that it never obtained the end for which it was employed. And in this we are the more confirmed by the reflections we have made upon the conduct of the four last reigns. For after all the frequent and pressing endeavours that were used in each of them to reduce this kingdom to an exact conformity in religion, it is visible the success has not answered the design, and that the difficulty is invincible.

We therefore, out of our princely care and affection unto all our loving subjects, that they may live at ease and quiet, and for the increase of trade and encouragement of strangers, have thought fit by virtue of our royal prerogative to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two Houses of Parliament when we shall think it convenient for them to meet.

In the first place, we do declare that we will protect and maintain our archbishops, bishops, and clergy, and all other our subjects of the Church of England in the free exercise of their religion as by law established, and in the quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever.

We do likewise declare, that it is our royal will and pleasure

that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical, for not coming to church, or not receiving the Sacrament, or for any other nonconformity to the religion established, or for or by reason of the exercise of religion in any manner whatsoever, be immediately suspended; and the further execution of the said penal laws and every of them is hereby suspended.

512. Toleration Act[1]

The Convention Parliament, besides conferring the Crown on William and Mary, lest a Protestant government should be in the hands of a "Papist Prince," and framing the Declaration of Rights, subsequently enacted as the Bill of Rights, also passed in 1689 the Toleration Act. It excused Dissenters, or Nonconformists, from all penalties for not attending Anglican services and granted them the right of public worship in their own conventicles and chapels. The Nonconformists had stood shoulder to shoulder with Anglicans in opposition to James II; their reward was now that limited measure of religious liberty which Charles II and James II had tried to introduce by the exercise of the royal prerogative. The Act did not otherwise modify the condition of Nonconformists, who continued to be excluded from holding any civil or military office in the State. Their disabilities were not removed until the nineteenth century. The passage of this measure did much to unite the Protestant forces of the nation and attach them to the political settlements made by the "Glorious Revolution." The last four clauses of the Act, setting forth certain important provisos and exceptions, are quoted below.

Provided always, and it is the true intent and meaning of this Act, that all the laws made and provided for the frequenting of divine service on the Lord's day commonly called Sunday, shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship, allowed or permitted by this Act.

Provided always, and be it further enacted by the authority aforesaid, that neither this Act, nor any clause, article, or thing herein contained, shall extend or be construed to extend to give

[1] *Statutes of the Realm*, 1 William and Mary, cap. 18. Henry Gee and W. J. Hardy, *Documents Illustrative of English Church History*, London, 1896, pp. 662–664. Macmillan and Company, Ltd.

any ease, benefit, or advantage to any papist or popish recusant whatsoever, or any person that shall deny in his preaching or writing the doctrine of the blessed Trinity, as it is declared in the aforesaid Articles of Religion.[1]

Provided always, and be it enacted by the authority aforesaid, that if any person or persons, at any time or times after the tenth day of June, do and shall willingly and of purpose, maliciously or contemptuously come into any cathedral or parish church, chapel, or other congregation permitted by this Act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof before any justice of peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of fifty pounds, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence at the said general or quarter sessions, shall suffer the pain and penalty of twenty pounds, [to the use of the king's and queen's majesties, their heirs and successors.[2]]

Provided always, that no congregation or assembly for religious worship shall be permitted or allowed by this Act, until the place of such meeting shall be certified to the bishop of the diocese, or to the archdeacon of that archdeaconry, [or to the justices of the peace at the general or quarter sessions of the peace for the county, city, or place [2]] in which such meeting shall be held, and registered in the said bishop's or archdeacon's court respectively, or recorded at the said general or quarter sessions; the register or clerk of the peace whereof respectively is hereby required to register the same, and to give certificate thereof to such person as shall demand the same, for which there shall be no greater fee nor reward taken, than the sum of sixpence.

[1] Roman Catholics and Socinians, or Unitarians, were thus expressly excluded from the benefits of the Toleration Act. As a matter of fact, however, Catholics henceforth were allowed to hold their own services without disturbance.

[2] Annexed to the original Act in a separate schedule.

513. Repeal of the Corporation and Test Acts [1]

The Corporation Act of 1661, passed by the first Restoration Parliament, and the Test Act, the "Black Charter of Protestantism," enacted in 1673, made communion with the Anglican Church a condition of eligibility to all offices, both civil and military. Though expressly aimed at Roman Catholics, these two measures affected Protestant Nonconformists as well. From 1727 to 1827 infringement of them by the latter had been covered by an annual Indemnity Act, which, without abandoning the principle of exclusion on religious grounds, permitted Nonconformists to do what the law forbade. In 1828 the measure for the repeal of this obsolete legislation passed both Houses of Parliament and received the royal assent. It was followed in 1829 by the Roman Catholic Emancipation Act, which removed the civil and religious disabilities of Roman Catholics.

1. Be it therefore enacted . . . That so much and such parts of the said several acts . . . as require the person or persons in the said acts respectively described to take or receive the Sacrament of the Lord's Supper according to the rites or usage of the Church of England, for the several purposes therein expressed, or to deliver a certificate, or to make proof of the truth of such his or their receiving the said sacrament in manner aforesaid, or as impose upon any such person or persons any penalty, forfeiture, incapacity, or disability whatsoever for or by reason of any neglect or omission to take or receive the said Sacrament, within the respective periods and in the manner in the said acts respectively provided in that behalf, shall, from and immediately after the passing of this act, be and the same are hereby repealed.

2. And whereas the protestant episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and the protestant presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the laws of this realm severally established, permanently and inviolably: . . . Be it therefore enacted, That every person who shall hereafter be placed, elected, or chosen in or to any office of mayor, alderman, recorder, bailiff, town clerk, or common councilman, or in or to any office of magistracy, or place, trust, or employment relating to the government of any city, corpora-

[1] *Statutes*, 9 George IV, cap. 17.

tion, borough, or cinque port within England and Wales or the town of Berwick-upon-Tweed, shall within one calendar month next before or upon his admission into any of the aforesaid offices or trusts, make and subscribe the declaration following:

"I *A.B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, That I will never exercise any power, authority or influence I may possess by virtue of the office of [space] to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges to which such Church, or the said bishops and clergy, are or may be by law entitled."

514. Religious Freedom in Rhode Island [1]

Rhode Island had been founded by Roger Williams and other refugees from Massachusetts, who sought in the wilderness "a shelter for persons distressed for conscience." The various settlements were consolidated in 1647, and in 1663 a charter for the new colony was granted by Charles II. The provision of the charter which relates to religion is given below. It reflected the ideas of Roger Williams in securing to all persons, whether Christians or non-Christians, entire liberty of belief and worship.

And whereas, in theire humble addresse, they have ffreely declared, that it is much on their hearts (if they may be permitted), to hold forth a livelie experiment, that a most flourishing civill state may stand and best bee maintained, and that among our English subjects, with a full libertie in religious concernements; and that true pietye rightly grounded upon gospell principles, will give the best and greatest security to sovereignetye, and will lay in the hearts of men the strongest obligations to true loyaltye: Now know yee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd loyall and loveinge subjects, and to secure them in the free exercise and enjoyment of all theire civill and religious rights, appertaining to them, as our loveing subjects; and to preserve

[1] *Records of the Colony of Rhode Island and Providence Plantation in New England*, Providence, 1856–1865, vol. ii, pp. 4–6. Edited by J. R. Bartlett.

unto them that libertye, in the true Christian ffaith and worshipp of God, which they have sought with soe much travaill, and with peaceable myndes, and loyall subjectione to our royall progenitors, and ourselves, to enjoye; and because some of the people and inhabitants of the same colonie cannot, in theire private opinions, conforme to the publique exercise of religion, according to the litturgy, formes and ceremonyes of the Church of England, or take or subscribe the oaths and articles made and established in that behalfe; and for that the same, by reason of the remote distances of those places, will (as wee hope) bee noe breach of the unite and unifformitie established in this nation: Have therefore thought ffit, and doe hereby publish, graunt, ordeyne and declare, That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and theire owne judgments and consciences, in matters of religious concernments, throughout the tract of lande hereafter mentioned; they behaving themselves peaceablie and quietlie and not useing this libertie to lycentiousnesse and profanenesse, nor to the civill injurye or outward disturbance of others; any lawe, statute, or clause, therein contayned, or to bee contayned, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding.

515. Religious Freedom in Pennsylvania [1]

The original charter of privileges which William Penn drew up in 1676 for the colony named after him contained an emphatic declaration in favor of the inviolability of conscience and religious freedom. This declaration was repeated in Penn's revised charter of 1701.

Because no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their

[1] *The Proceedings relative to the Conventions of 1776 and 1790*, Harrisburg, 1825, pp. 31–32.

consciences, as to their religious profession and worship: And Almighty God being the only Lord of conscience, father of lights and spirits, and the author as well as object of all divine knowledge, faith and worship, who only doth enlighten the mind, and persuade and convince the understandings of people, I do hereby grant and declare, that no person or persons, inhabiting in this province or territories, who shall confess and acknowledge one Almighty God, the creator, upholder and ruler of the world, and profess him or themselves obliged to live quietly under the civil government, shall be in any case molested or prejudiced in his or their person or estate, because of his or their conscientious persuasion or practice, nor be compelled to frequent or maintain any religious worship-place, or ministry, contrary to his or their mind, or to do or suffer any other act or thing, contrary to their religious persuasion.

And that all persons who also profess to believe in Jesus Christ, the Saviour of the world, shall be capable (notwithstanding their other persuasions and practices in point of conscience and religion) to serve this government in any capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, allegiance to the king as sovereign, and fidelity to the proprietary and governor.

516. Thomas Jefferson on Religious Freedom [1]

The American Revolution produced a general social upheaval, and in the southern states it led to the abolition of such relics of feudalism as titles of nobility, entails, primogeniture, game laws, and tithes. The Virginia Act for Establishing Religious Freedom, written by Thomas Jefferson and passed by the Assembly of Virginia in 1786, has an honorable place in this reform legislation.

Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind,

[1] *Statutes at Large . . . of Virginia*, Richmond, 1809–1823, vol xii, pp. 84–86. Edited by W. W. Hening.

yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn

the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

Be it enacted by the General Assembly, that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain their opinion in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this Act to be irrevocable would be of no effect in law; yet as we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any Act shall hereafter be passed to repeal the present, or to narrow its operation, such Act will be an infringement of natural right.

517. "Profession of the Tridentine Faith" [1]

The *Professio fidei Tridentinæ*, often called the Creed of Pius IV, embodies the substance of two bulls published by that pope in 1564, a year after the closing of the Council of Trent. It provides a short conspectus of the articles of faith, as determined at Trent, and also includes a number of clauses dealing with the Church and the pope's position within the Church that were ignored at Trent. This *Profession* was supplemented in 1871 by the dogma of papal infallibility.

[1] Philip Schaff, *The Creeds of Christendom* (Fourth Edition), New York, 1896–1899, vol. ii, pp 207–210. Charles Scribner's Sons.

1. I, —, with a firm faith believe and profess all and every one of the things contained in that creed which the holy Roman Church makes use of: "I believe in one God, the Father Almighty," etc.[1]

2. I most steadfastly admit and embrace apostolic and ecclesiastic traditions, and all other observances and constitutions of the same Church.

3. I also admit the holy Scriptures, according to that sense which our holy mother Church has held and does hold, to which it belongs to judge of the true sense and interpretation of the Scripture; neither will I ever take and interpret them otherwise than according to the unanimous consent of the Fathers.

4. I also profess that there are truly and properly seven sacraments of the new law, instituted by Jesus Christ our Lord, and necessary for the salvation of mankind, though not all for every one, to wit: baptism, confirmation, the eucharist, penance, extreme unction, holy orders, and matrimony; and that they confer grace; and that of these, baptism, confirmation, and ordination can not be reiterated[2] without sacrilege. I also receive and admit the received and approved ceremonies of the Catholic Church, used in the solemn administration of the aforesaid sacraments.

5. I embrace and receive all and every one of the things which have been defined and declared in the holy Council of Trent concerning original sin and justification.

6. I profess, likewise, that in the mass there is offered to God a true, proper, and propitiatory sacrifice for the living and the dead; and that in the most holy sacrament of the eucharist there is truly, really, and substantially, the body and blood, together with the soul and divinity of our Lord Jesus Christ; and that there is made a change of the whole essence of the bread into the body, and of the whole essence of the wine into the blood; which change the Catholic Church calls transubstantiation.

7. I also confess that under either kind alone Christ is received whole and entire, and a true sacrament.

[1] Here follows the Nicene Creed.

[2] *I.e.*, repeated.

8. I firmly hold that there is a purgatory, and that the souls therein detained are helped by the suffrages of the faithful. Likewise, that the saints reigning with Christ are to be honored and invoked, and that they offer up prayers to God for us, and that their relics are to be had in veneration.

9. I most firmly assert that the images of Christ, and of the perpetual Virgin the Mother of God, and also of other saints, ought to be had and retained, and that due honor and veneration are to be given them. I also affirm that the power of indulgences was left by Christ in the Church, and that the use of them is most wholesome to Christian people.

10. I acknowledge the holy Catholic Apostolic Roman Church for the mother and mistress of all churches; and I promise and swear true obedience to the Bishop of Rome, successor to St. Peter, Prince of the Apostles, and Vicar of Jesus Christ.

11. I likewise undoubtingly receive and profess all other things delivered, defined, and declared by the Sacred Canons and General Councils, and particularly by the holy Council of Trent; and I condemn, reject, and anathematize all things contrary thereto, and all heresies which the Church has condemned, rejected, and anathematized.

12. I do, at this present, freely profess and truly hold this true Catholic faith, without which no one can be saved; and I promise most constantly to retain and confess the same entire and inviolate, with God's assistance, to the end of my life. And I will take care, as far as in me lies, that it shall be held, taught, and preached by my subjects, or by those the care of whom shall appertain to me in my office. This I promise, vow, and swear — so help me God, and these holy Gospels of God.

518. Vatican Decree of Papal Infallibility[1]

The pontificate of Pius IX was marked by the meeting of the Vatican Council (1869–1870), the first general council of the Roman Church since that of Trent, three centuries previously. The prelates from all parts of the world who assembled in St. Peter's, Rome, had for their principal task a decision once and for all of the vexed question of papal

[1] W. E. Gladstone and Philip Schaff, *The Vatican Decrees*, New York and London, 1875, pp. 166–168. Harper and Brothers.

infallibility. After much debate and when many dissidents had quitted the council, the dogma of infallibility was accepted (July 18, 1871) by the five hundred and thirty-five prelates who remained, and was at once promulgated by Pius IX in the bull *Pastor æternus*. The concluding paragraphs of this document are quoted in the translation by Cardinal Manning.

For the Holy Spirit was not promised to the successors of Peter, that by his revelation they might make known new doctrine; but that by his assistance they might inviolably keep and faithfully expound the revelation or deposit of faith delivered through the Apostles. And indeed, all the venerable Fathers have embraced, and the holy orthodox doctors have venerated and followed, their Apostolic doctrine; knowing most fully that this See of holy Peter remains ever free from all blemish of error according to the divine promise of the Lord our Saviour made to the Prince of his disciples: "I have prayed for thee that thy faith fail not, and, when thou art converted, confirm thy brethren." [1]

This gift, then, of truth and never-failing faith was conferred by heaven upon Peter and his successors in this chair, that they might perform their high office for the salvation of all; that the whole flock of Christ, kept away by them from the poisonous food of error, might be nourished with the pasture of heavenly doctrine; that the occasion of schism being removed, the whole Church might be kept one, and, resting on its foundation, might stand firm against the gates of hell.

But since in this very age, in which the salutary efficacy of the Apostolic office is most of all required, not a few are found who take away from its authority, we judge it altogether necessary solemnly to assert the prerogative which the only-begotten Son of God vouchsafed to join with the supreme pastoral office.

Therefore faithfully adhering to the tradition received from the beginning of the Christian faith, for the glory of God our Saviour, the exaltation of the Catholic religion, and the salvation of Christian people, the sacred Council approving, we teach and define that it is a dogma divinely revealed: that the Roman

[1] *St. Luke*, xxii, 32.

Pontiff, when he speaks *ex cathedra*, that is, when in discharge of the office of pastor and doctor of all Christians, by virtue of his supreme Apostolic authority, he defines a doctrine regarding faith or morals to be held by the universal Church, by the divine assistance promised to him in blessed Peter, is possessed of that infallibility with which the divine Redeemer willed that his Church should be endowed for defining doctrine regarding faith or morals; and that therefore such definitions of the Roman Pontiff are irreformable of themselves, and not from the consent of the Church.

But if any one — which may God avert — presume to contradict this our definition: let him be anathema.

519. Law of Papal Guarantees [1]

The relations of Church and State in Italy are defined by the Law of Papal Guarantees, enacted in 1871. The five popes who have occupied St. Peter's chair since then have consistently refused to acknowledge the law or to accept any part of the financial grants under it. Title I deals with the prerogatives of the Supreme Pontiff and of the Holy See.

1. The person of the Supreme Pontiff is sacred and inviolable.

2. Any attempt against the person of the Supreme Pontiff and the provocation to commit such an attempt shall be punished with the same penalty as similar offenses against the person of the King. . . . The discussion of religious matters shall be entirely free.

3. The Italian government grants to the Supreme Pontiff, within the kingdom, sovereign honors, and guarantees to him the preëminence customarily accorded to him by Catholic sovereigns. He may maintain the usual number of guards for his person and for the custody of the palaces, without prejudice to the duties of such guards, according to the laws in force in the kingdom.

4. An annual income of 3,225,000 lire is reserved for the Holy See. . . .

5. Besides the dotation mentioned in the preceding article the

[1] W. F. Dodd, *Modern Constitutions*, Chicago, 1909, vol. ii, pp. 16–20. University of Chicago Press.

Supreme Pontiff shall have the use of the apostolic Vatican and Lateran palaces with all buildings, gardens, and lands appertaining thereto, and also the villa of Castel Gandolfo [1] with all its appurtenances. These palaces, the villa and its annexes, as well as the museums, the library, and the collections of art and of archæology connected therewith, are inalienable and are exempt from all taxation or charges and from seizure for a public purpose.

6. During the vacancy of the pontifical chair no judicial or political authority shall for any reason hinder or limit the personal liberty of cardinals. The government shall see to it that assemblies of conclave and ecumenical councils are not disturbed by external violence.

7. No public official or agent of the public force in the performance of the duties of his office, shall enter the places or palaces which are the permanent or temporary residence of the Supreme Pontiff, or during the sessions of the ecumenical council or conclave, without the authorization of the Pope, conclave, or council.

9. The Supreme Pontiff shall be entirely free to fulfill all the functions of his spiritual ministry, and to this end may affix to the doors of basilicas and churches of Rome notices relating to such ministry.

11. Envoys of foreign governments to the Holy See shall be entitled within the kingdom to all the prerogatives and immunities accorded to other diplomatic agents, according to the usages of international law. . . .

12. The Supreme Pontiff corresponds freely with the episcopacy and with the whole Catholic world, without any interference from the Italian government. . . .

13. Within the city of Rome and within the six subsidiary [2] sees, the seminaries, academies, colleges, and other Catholic institutions founded for the education and training of ecclesiastics shall continue under the sole control of the Holy See, without any interference from the educational authorities of the State.

[1] On the Lake of Albano near Rome. The pope has never used this summer residence.

[2] Suburbicarian.

SECTION XXVII

MODERN CULTURE

520. Dante and the Great Pagans [1]

Reverence for the classics finds constant expression in the writings of Dante (1265–1321). His most famous work, the *Divine Comedy*, describes an imaginary visit to the other world. Vergil guides him through the realms of Inferno (Hell) and Purgatory, until he meets his lady Beatrice, who conducts him through Paradise. The following passage from the first of the three divisions of the *Divine Comedy* recounts the fate of the great poets, statesmen, warriors, philosophers, and scientists of classical antiquity. They dwell in Limbo, which is the first or uppermost circle of the infernal regions reserved for those who lived on earth before the advent of Christianity or who had not received the sacrament of baptism. Theirs is no physical torment, indeed, but they have no hope of seeing God, and their sighs, heard by Dante, caused the eternal air to tremble — *l'aura eterna facevan tremare.*

We halted not on our way for all his converse, but passed through the forest without pausing — the forest, I mean, of crowded spirits.

As yet we had not advanced far from the place where I had slept, when I perceived a fire, which illuminated one half of the dark Circle. We were still distant from it a space, yet not so far as to prevent me from discerning in some measure that that spot was occupied by persons of dignity. "O thou who dost adorn both science and art, who are these that have this token of high honour, which distinguishes them from the condition of the rest?" And he to me: "The honourable reputation, through which they are celebrated in thy world above, wins favour in Heaven which exalts them so." Meanwhile, I heard a voice exclaim: "Give honour to the sublime poet; his shade, which had quitted us, is returning." After the voice ceased and spake no more, I saw four mighty shades approaching us, whose

[1] Dante, *Divina commedia: Inferno*, iv, 64–151. H. F. Tozer, *Dante's Divina Commedia*, Oxford, 1904, pp. 16–19. Clarendon Press.

countenances were neither sad nor joyful. The good Master then began to say: "Give heed to him who bears in his hand that sword, and walks in front of the three as their lord. That is Homer, the prince of poets; he who comes next is Horace the moralist; the third is Ovid, and Lucan the last. Because each of them enjoys, as I do, the title proclaimed by the solitary voice, they do me honour, and therein they do well." So did I view the assembling of the fair school of those masters of the highest flight of song, which soars like an eagle above the others. After they had conversed awhile among themselves, they turned them to me with signs of welcome, whereat my Master smiled: and a far higher honour still did they pay me, for they associated me with their number, so that I was the sixth in that sage company. In this wise did we proceed as far as the light, conversing on themes, which it is as becoming not to mention now, as it was becoming to discuss them there.

We reached the foot of a noble castle, encompassed seven times by lofty walls, and defended throughout its circuit by a fair river. This we crossed as if it were solid ground; through seven gates I entered with those sages, and we reached a fresh and verdant meadow. The occupants of this had pensive and serious eyes, and great dignity in their countenances; they spake but little, and with soft voices. Thus on one side of it did we wend our way to an open spot, luminous and elevated, so that they all were visible. There in front of us on the enamelled verdure the mighty spirits were pointed out to me, so that my soul is exalted at having seen them. I saw Electra with a numerous company, among whom I recognized Hector and Æneas, and Cæsar the falcon-eyed in arms. Camilla I saw and Penthesilea, and on the oppositie side King Latinus sitting with his daughter Lavinia. I saw that Brutus who expelled Tarquinius, Lucretia, Julia, Marcia and Cornelia, and Saladin [1] I saw by himself apart. After I had raised mine eyes somewhat higher, I saw the Master [2] of those who know, sitting in the midst of a philosophic company.

[1] The famous Moslem leader, who here seems somewhat out of place among the great pagans.

[2] Aristotle.

All look towards him, all do him honour. There saw I Socrates and Plato, who stand nearest to him in front of the rest. Democritus was there, who attributes the world to chance, Diogenes, Anaxagoras and Thales, Empedocles, Heraclitus and Zeno: and I saw the faithful investigator of the qualities of plants, Dioscorides,[1] I mean: Orpheus too, I beheld, Tullius[2] and Linus, and the moralist Seneca: Euclid the geometrician and Ptolemy; Hippocrates, Avicenna, and Galen; Averroës also, who composed the great commentary.[3] Of all of them I cannot give a full account, seeing that the length of my theme so urges me onward, that oftentimes my tale falls short of the reality. The company of six is reduced to two: my wise Guide leads me by another way out of the tranquil air into that which trembles; and I enter a region where no light appears.

521. The Scarcity of Copyists[4]

Petrarch (1304–1374), a younger contemporary of Dante, and like Dante a native of Florence, was the first great leader in the revival of classical literature. He composed many Latin works, traveled widely in Italy, France, and other countries, searching everywhere for ancient manuscripts, and kept copyists in his house to make transcripts of those that he had discovered or borrowed. His letter to Lapo da Castiglionchio affords some idea of the difficulties scholars of the fourteenth century had to face in their pursuit of knowledge.

Your Cicero has been in my possession four years and more. There is a good reason, though, for so long a delay; namely, the great scarcity of copyists who understand such work. It is a state of affairs that has resulted in an incredible loss to scholarship. Books that by their nature are a little hard to understand are no longer multiplied, and have ceased to be generally intelligible, and so have sunk into utter neglect, and in the end have

[1] Author of a medical work treating of the qualities of plants.

[2] Cicero.

[3] Avicenna and Averroës were Arab scholars who made commentaries on Aristotle. Their works, translated into Latin, had much to do with bringing about the revival of the Aristotelian philosophy in western Europe.

[4] Petrarca, *Epistulæ de rebus familiaribus et variæ*, xviii, 12. J. H. Robinson and H. W. Wolfe, *Petrarch, the First Modern Scholar and Man of Letters* (Second Edition), New York, 1914, pp. 275–278. G. P. Putnam's Sons.

perished. This age of ours consequently has let fall, bit by bit, some of the richest and sweetest fruits that the tree of knowledge has yielded; has thrown away the results of the vigils and labours of the most illustrious men of genius, things of more value, I am almost tempted to say, than anything else in the whole world. . . .

But I must return to your Cicero. I could not do without it, and the incompetence of the copyists would not let me possess it. What was left for me but to rely upon my own resources, and press these weary fingers and this worn and ragged pen into the service? The plan that I followed was this. I want you to know it, in case you should ever have to grapple with a similar task. Not a single word did I read except as I wrote. But how is that, I hear someone say; did you write without knowing what it was that you were writing? Ah! but from the very first it was enough for me to know that it was a work of Tullius, and an extremely rare one too. And then as soon as I was fairly started I found at every step so much sweetness and charm, and felt so strong a desire to advance, that the only difficulty which I experienced in reading and writing at the same time came from the fact that my pen could not cover the ground so rapidly as I wanted it to, whereas my expectation had been rather that it would outstrip my eyes, and that my ardour for writing would be chilled by the slowness of my reading. So the pen held back the eye, and the eye drove on the pen, and I covered page after page, delighting in my task, and committing many and many a passage to memory as I wrote. For just in proportion as the writing is slower than the reading does the passage make a deep impression and cling to the mind.

And yet I must confess that I did finally reach a point in my copying where I was overcome by weariness; not mental, for how unlikely that would be where Cicero was concerned, but the sort of fatigue that springs from excessive manual labour. I began to feel doubtful about this plan that I was following, and to regret having undertaken a task for which I had not been trained; when suddenly I came across a place where Cicero tells how he himself copied the orations of — someone or other;

just who it was I do not know, but certainly no Tullius, for there is but one such voice, one such mind. . . . As I read this passage I grew hot with shame, like a modest young soldier who hears the voice of his beloved leader rebuking him. I said to myself, "So Cicero copied orations that another wrote, and you are not ready to copy his? What ardour! what scholarly devotion! what reverence for a man of godlike genius!" These thoughts were a spur to me, and I pushed on, with all my doubts dispelled. If ever from my darkness there shall come a single ray that can enhance the splendour of the reputation which his heavenly eloquence has won for him, it will proceed in no slight measure from the fact that I was so captivated by his ineffable sweetness that I did a thing in itself most irksome with such delight and eagerness that I scarcely knew I was doing it at all.

522. Chrysoloras and the Study of Greek in Italy [1]

The renewed interest in Latin literature, due to Petrarch, Boccaccio, and others, was followed in the fifteenth century by the revival of Greek literature. In 1396 Manuel Chrysoloras, a scholar from Constantinople, began to lecture on Greek in the University of Florence. He afterward taught in other Italian cities and further aided the growth of Hellenic studies by preparing a Greek grammar — the first book of its kind. What all this meant for Italian humanists is told by Leonardus Aretinus called Bruni, who wrote a history of his own times (*Commentarius rerum suo tempore*).

Then first came a knowledge of Greek, which had not been in use among us for seven hundred years. Chrysoloras the Byzantine, a man of noble birth and well versed in Greek letters, brought Greek learning to us. When his country was invaded by the Turks, he came by sea, first to Venice. The report of him soon spread, and he was cordially invited and besought and promised a public stipend, to come to Florence and open his store of riches to the youth. I was then studying Civil Law, but . . . I burned with love of academic studies, and had spent no little pains on dialectic and rhetoric. At the coming of Chrysoloras I was torn in mind, deeming it shameful to desert

[1] H. O. Taylor, *Thought and Expression in the Sixteenth Century*, New York, 1920, vol. i, pp. 36–37. Macmillan Company.

the law, and yet a crime to lose such a chance of studying Greek literature; and often with youthful impulse I would say to myself: "Thou, when it is permitted thee to gaze on Homer, Plato and Demosthenes, and the other poets, philosophers, orators, of whom such glorious things are spread abroad, and speak with them and be instructed in their admirable teaching, wilt thou desert and rob thyself? Wilt thou neglect this opportunity so divinely offered? For seven hundred years, no one in Italy has possessed Greek letters; and yet we confess that all knowledge is derived from them. How great advantage to your knowledge, enhancement of your fame, increase of your pleasure, will come from an understanding of this tongue? There are doctors of civil law everywhere; and the chance of learning will not fail thee. But if this one and only doctor of Greek letters disappears, no one can be found to teach thee." Overcome at length by these reasons, I gave myself to Chrysoloras, with such zeal to learn, that what through the wakeful day I gathered, I followed after in the night, even when asleep.

523. Recovery of the Classics [1]

A special feature of the Italian Renaissance was the recovery of classical manuscripts from monasteries and cathedrals, where they had often lain neglected and blackened with the dust of centuries. The following letter by Poggio Bracciolini, a pupil of Chrysoloras, written from Constance in 1416, describes the lucky chance by which he came upon the manuscript of the great rhetorician Quintilian, together with certain other works by Latin authors.

Often by mere chance, things come to pass which we do not dare to hope for, as Terence says. And so Fortune (and not so much his as ours) would have it that, when we found ourselves at Constance with nothing to do, a sudden desire should seize us of visiting the place where Quintilian was imprisoned — the monastery of St. Gall, twenty miles away. And so several of us proceeded thither to relax our minds and at the same time to search through the volumes of which there was said to be a great number. There, among crowded stacks of books which it would

[1] Mario E. Cosenza, *Petrarch's Letters to Classical Authors*, Chicago, 1910, pp. 94–95. University of Chicago Press.

take long to enumerate, we discovered a Quintilian, still safe and sound, but all moldy and covered with dust. For the books were not in the library, as their merit warranted, but in a most loathsome and dreary dungeon at the very foundations of one of the towers — a place into which not even those awaiting execution would be thrust.

I for one feel certain that if there were any today who would tear down these barbarian penitentiaries in which such men are held prisoners, and would submit them to a most careful search, as our predecessors did, they would meet with the same good fortune in the case of many authors whose loss we now mourn.

In addition to the Quintilian, we discovered the first three books and half the fourth book of the *Argonauticon* of C. Valerius Flaccus, and explanations or commentary on eight orations of Cicero by Q. Asconius Pedianus, a very eloquent man mentioned by Quintilian himself. All these I transcribed with my own hand, and somewhat hastily, for I was anxious to send them to Leonardo Bruni of Arezzo and to Niccoló of Florence.

You have now, my dearest Guarino, all that could be given to you, for the present, by one who is most devoted to you. I wish I could have sent to you the book as well. But I had to please our Leonardo first. Still, you now know where it is to be had, so that if you really want to have it (which I should judge to be as soon as possible), you can easily obtain it.

524. Founding of the Vatican Library [1]

Vespasiano, a Florentine bookseller who lived during the fifteenth century, came into contact with the chief humanists of the age. His contemporary memoirs (*Viti de uomini illustri del secolo XV*) were first printed and published at Rome by Cardinal Mai in 1839. Vespasiano has an interesting account of the great library which Nicholas V founded after the celebration of the papal jubilee in 1450.

A vast amount was sent to the apostolic seat in Peter's pence, whereupon the Pope began to build, and searched for Latin and

[1] W. J. Waters and Emily Waters, *The Vespasiano Memoirs: Lives of Illustrious Men of the XVth Century*, London, 1926, pp. 49–51. George Routledge and Sons, Ltd.

Greek books in all places where they might be found, never regarding the price. He collected many of the best scribes and gave them continual employ. He brought together a number of learned men and set them to produce new books, and also to translate others not in the libraries, rewarding them liberally; and when the books were translated and brought to him he would hand over ample sums of money in order that the translators might go to their work with a good will. He spent much in supporting men of letters, and at his death it was found by inventory that since the time of Ptolemy, there had never been collected such a store of books. He caused copies to be made of all, not reckoning the cost; indeed, if he could not procure a particular work, he would have it copied. . . .

It was the design of Pope Nicolas to found a library at S. Peter's for the general use of the Roman court, and this would have been a wonderful work could he have accomplished it; but, forestalled by death, he left it unfinished. For the elucidation of the Holy Scriptures he caused quantities of books to be translated: likewise many pagan writings and certain works of grammar necessary for the study of Latin. The *Ortografia* of Messer Giovanni Tortello, whom His Holiness made his librarian, a valuable and useful book amongst grammarians: the *Iliad* of Homer: *De Situ Orbis* of Strabo were translated for him by Guarino, to whom he gave five hundred florins for each part, Asia, Africa, and Europe, making one thousand five hundred florins in all. Herodotus and Thucydides were translated by Messer Lorenzo Valla, whom he paid most generously for his pains: Xenophon and Diodorus by Messer Poggio: Polybius by Nicoli Perotto, to whom, when he was presented to the Pope, Nicolas gave five hundred papal ducats, newly minted, in a purse, and told him that this was not the reward he merited, but that in due time he should receive one which would content him. The works of Philo, a Jew of the greatest merit, unknown in Latin. The *De Plantis* of Theophrastus and the *Problemata Aristotelis* were both translated by Theodore, a Greek of great learning and eloquence. The *Republica* of Plato, together with the *Leges*, the *Posteriora*, the *Ethica* and *Physica*, the *Magna Moralia*,

the *Metaphysica* and the *Rhetorica* were done by Trabizonda. The *De Animalibus* of Aristotle, a very valuable work, by Theodore. Amongst sacred writings the work of Dionisias[1] the Areopagite, a marvellous book, was translated by Fra Ambrogio, the most of the translations hitherto made having been very barbarous. I heard Pope Nicolas say that this translation was excellent, and that he understood it better in this simple text than in the others with the numberless comments and notes they contained. The wonderful book, *De preparatione evangelica*, of Eusebius Panfilus,[2] a work of most profound learning. Many works of S. Basil, of S. Gregory Nazianzen, and about eighty homilies of Chrysostom on S. Matthew, which has been lost five hundred years and more. . . . This was now translated by Trabizonda, as well as Cyril on Genesis and on S. John, works worthy of all praise. There were many others translated or written at the request of His Holiness of which I have no report. I have written only about those known to me.

525. Erasmus as a Classicist[3]

The foremost humanist of his age was Desiderius Erasmus (1466?–1536). Though a Hollander by birth and training, he lived for a time in Germany, France, England, and Italy, and died at Basel in Switzerland. His travels and extensive correspondence brought him in contact with most of the leading scholars of western Europe. He gave his entire strength to study and to the making of books which, in the standard Leyden edition, extend to ten large folios. Erasmus wrote much and well on education. Among his formal educational treatises the *De ratione studii*, prepared in 1511 at the request of the English humanist Colet, presents a plan for imparting to the pupil the wisdom of the ancients.

Language thus claims the first place in the order of studies and from the outset should include both Greek and Latin. The argument for this is two-fold. First, that within these two literatures are contained all the knowledge which we recognise as of vital importance to mankind. Secondly, that the natural

[1] Dionysius.

[2] Pamphili.

[3] W. H. Woodward, *Desiderius Erasmus concerning the Aim and Method of Education*, Cambridge, 1904, pp. 163–164. University Press.

affinity of the two tongues renders it more profitable to study them side by side than apart. Latin particularly gains by this method. Quintilian advised that a beginning should be made with Greek before systematic work in Latin is taken in hand. Of course he regarded proficiency in both as essential. The elements, therefore, of Greek and Latin should be acquired early, and should a thoroughly skilled master not be available, then — but only then — let the learner fall back upon self-teaching by means of the study of classical masterpieces. . . . I have no patience with the stupidity of the average teacher of grammar who wastes precious years in hammering rules into children's heads. For it is not by learning rules that we acquire the power of speaking a language, but by daily intercourse with those accustomed to express themselves with exactness and refinement, and by the copious reading of the best authors.

Upon this latter point we do well to choose such works as are not only sound models of style but are instructive by reason of their subject-matter. The Greek prose-writers whom I advise are, in order, Lucian, Demosthenes, Herodotus: the poets, Aristophanes, Homer, Euripides; Menander, if we possessed his works, would take precedence of all three. Amongst Roman writers, in prose and verse, Terence, for pure, terse Latinity has no rival, and his plays are never dull. I see no objection to adding carefully chosen comedies of Plautus. Next, I place Vergil, then Horace; Cicero and Cæsar follow closely; and Sallust after these. These authors provide, in my judgment, sufficient reading to enable the young student to acquire a working knowledge of the two great classical tongues. It is not necessary for this purpose to cover the whole range of ancient literature; we are not to be dubbed "beginners" because we have not yet mastered the whole of the *Fragmenta*.

Some proficiency in expression being thus attained the student devotes his attention to the *content* of the ancient literatures. It is true, of course, that in reading an author for purposes of vocabulary and style the student cannot fail to gather something besides. But I have in my mind much more than this when I speak of studying "contents." For I affirm that with the slight

qualification the whole of attainable knowledge lies enclosed within the literary monuments of ancient Greece. This great inheritance I will compare to a limpid spring of whose undefiled waters it behoves all who truly thirst to drink and be restored.

526. The Greek Testament of Erasmus [1]

Erasmus made an important contribution to Biblical scholarship by the publication in 1516 of the New Testament in the original Greek. The text was based on a comparison of ten manuscripts, the oldest of which he believed to date from the apostolic age, though modern critics assign it to the twelfth century. The Greek text had never been published before. At the very time Erasmus was working on it, Cardinal Ximénez and his collaborators at Alcalá (the Roman Complutum) were engaged on the so-called Complutensian Polyglot, which included both the Hebrew Old Testament and the Greek New Testament. This great work did not appear until 1522, six years after the edition by Erasmus. The Greek text of Erasmus was accompanied by a Latin translation, correcting many errors in the old version known as the Vulgate. Erasmus dedicated his edition to Leo X and also addressed to that pope the following letter about it.

The New Testament in Greek and Latin, revised by us, together with our annotations, has been published for some time, under the safeguard of your auspicious name. I do not know whether the work pleases every one, but I find that up to this time it has certainly been approved by the most approved and principal theologians, and among the first by that incomparable prelate, Christopher, Bishop of Basel, who witnessed its printing. For by this labour we do not intend to tear up the old and commonly accepted edition, but to emend it in some places where it is corrupt, and to make it clear where it is obscure; and this not by the dreams of my own mind, nor, as they say, with unwashed hands, but partly by the evidence of the earliest manuscripts, and partly by the opinion of those, whose learning and sanctity have been confirmed of the authority of the Church, — I mean Jerome, Hilary, Ambrose, Augustine, Chrysostome, and Cyril. Meantime we are always prepared either to give our reasons, without presumption, for anything which we have rightly taught,

[1] F. M. Nichols, *The Epistles of Erasmus*, London, 1901–1918, vol. ii, p. 316. Longmans, Green, and Company, Ltd.

or to correct, without grudging, any passage where as men we have unwittingly fallen into error. We sent one volume to Rome last winter, still fresh and warm from the press, which I suppose was delivered to your Holiness; and I would send the other now, if I did not know that there is no place in the world where the work is not by this time within reach of every body. Although the greatest pains have been bestowed upon it, so far as the . . . condition of my health admitted, yet I shall never be tired out, and will never rest, until I have made it so complete and so correct, that it may appear not altogether unworthy of the great Pontiff and great personage, to whom it is dedicated.

527. Dedicatory Letter of Copernicus [1]

The work in which Copernicus announced his new system of astronomy, the *De revolutionibus orbium cælestrium*, appeared at Nuremberg in 1543 and reached the illustrious author only on his deathbed. It contained a long preliminary epistle, dedicating the book to Pope Paul III. The translation below is from the German version of the original Latin text.

When I had for a long time thought upon the uncertainty of the traditional mathematical doctrine concerning the paths of the heavenly bodies it seemed to me very lamentable that still no more correct theory had been advanced by philosophers for the movements in that universe which the best and most perfect Architect had made for us, while they have so accurately investigated many relatively unimportant things. Therefore I took the pains to read through the writings of all the philosophers that I could get together in order to find out if some one of them had not stated the opinion that the movements of the heavenly bodies might be other than the professional mathematicians had asserted. And I did find in reality first in Cicero that Nicetas had thought that the earth moves. Afterwards I read in Plutarch that some others also had been of this opinion. I will quote this passage that all may see it. Plutarch says: "The common opinion is that the earth stands still; but Philolaus the Pythagorean supposes that it moves about the Fire in an oblique circle

[1] G. B. Adams, "Petrarch and the Beginning of Modern Science," *Yale Review*, vol. i (1892), pp. 160–161.

like the sun and moon. Heraklides of Pontus and Ephantus also teach that the earth moves, not advancing however, but turning like a wheel so that from evening to morning it turns about its own centre." [1]

When I had received this suggestion I began myself also to meditate upon a motion of the earth. And although this theory might seem nonsensical, yet because I knew that to others before me the liberty had been allowed to suppose all sorts of circles in order to explain the phenomena in the heavens, so it would be permitted me also to try whether on the theory of the motion of the earth more satisfactory explanations than heretofore might not be found for the movements of the heavenly bodies.

After I had then assumed the motions which I assign to the earth in the following work, I found, after careful investigation extending through years,[2] that if the movements of the other planets were referred to the motion of the earth in its orbit and reckoned according to the revolution of each star, not only could their observed phenomena be logically explained, but also the succession of the stars, and their size, and all their orbits, and the heavens themselves would present such a harmonious order that no single part could be changed without disarranging the others and the whole universe. In accordance with this theory I have drawn up the plan of my work.

528. Galileo's Account of the Telescope [3]

The *Nuntius sidereus* was published at Venice in 1610. Galileo dedicated the book to Cosimo de' Medici, the Second, grand-duke of Tuscany.

In the present small treatise I set forth some matters of great interest for all observers of natural phenomena to look at and

[1] The reference is to the compilation of an unknown Greek writer, the so-called *Placita philosophorum* (iii, 13), which was formerly attributed to Plutarch.

[2] Elsewhere in this letter Copernicus states that he had kept back the book for four times nine years and that he only published it now at the urgent solicitation of friends.

[3] Galileo Galilei, *The Sidereal Messenger*, London, 1880, pp. 7–11. Translated by E. S. Carlos.

consider. They are of great interest, I think, first, from their intrinsic excellence; secondly, from their absolute novelty; and lastly, also on account of the instrument by the aid of which they have been presented to my apprehension.

The number of the Fixed Stars which observers have been able to see without artificial powers of sight up to this day can be counted. It is therefore decidedly a great feat to add to their number, and to set distinctly before the eyes other stars in myriads, which have never been seen before, and which surpass the old, previously known, stars in number more than ten times.

Again, it is a most beautiful and delightful sight to behold the body of the Moon, which is distant from us nearly sixty semi-diameters of the Earth, as near as if it was at a distance of only two of the same measures; so that the diameter of this same Moon appears about thirty times larger, its surface about nine hundred times, and its solid mass nearly 27,000 times larger than when it is viewed only with the naked eye; and consequently any one may know with the certainty that is due to the use of our senses, that the Moon certainly does not possess a smooth and polished surface, but one rough and uneven, and, just like the face of the Earth itself, is everywhere full of vast protuberances, deep chasms, and sinuosities.

Then to have got rid of disputes about the Galaxy or Milky Way, and to have made its nature clear to the very senses, not to say to the understanding, seems by no means a matter which ought to be considered of slight importance. In addition to this, to point out, as with one's finger, the nature of those stars which every one of the astronomers up to this time has called *nebulous*, and to demonstrate that it is very different from what has hitherto been believed, will be pleasant, and very fine. But that which will excite the greatest astonishment by far, and which indeed especially moved me to call to the attention of all astronomers and philosophers, is this, namely, that I have discovered four planets,[1] neither known nor observed by any one of

[1] *I.e.*, four of Jupiter's nine satellites. In the *Sidereal Messenger* Galileo calls them the Cosmian stars, in honor of Cosimo de' Medici, but elsewhere he refers to them as the Medicean stars.

the astronomers before my time, which have their orbits round a certain bright star, one of those previously known, like Venus and Mercury round the Sun, and are sometimes in front of it, sometimes behind it, though they never depart from it beyond certain limits. All which facts were discovered and observed a few days ago by the help of a telescope devised by me, through God's grace first enlightening my mind.

Perchance other discoveries still more excellent will be made from time to time by me or by other observers, with the assistance of a similar instrument, so I will first briefly record its shape and preparation, as well as the occasion of its being devised, and then I will give an account of the observations made by me.

About ten months ago a report reached my ears that a Dutchman had constructed a telescope,[1] by the aid of which visible objects, although at a great distance from the eye of the observer, were seen distinctly as if near; and some proofs of its most wonderful performances were reported, which some gave credence to, but others contradicted. A few days after, I received confirmation of the report in a letter written from Paris by a noble Frenchman, Jacques Badovere, which finally determined me to give myself up first to inquire into the principle of the telescope, and then to consider the means by which I might compass the invention of a similar instrument, which a little while after I succeeded in doing, through deep study of the theory of Refraction; and I prepared a tube, at first of lead, in the ends of which I fitted two glass lenses, both plane on one side, but on the other side one spherically convex, and the other concave. Then bringing my eye to the concave lens I saw objects satisfactorily large and near, for they appeared one-third of the distance off and nine times larger than when they are seen with the natural eye alone. I shortly afterwards constructed another telescope with more nicety, which magnified objects more than sixty times. At length, by sparing neither labour nor expense, I succeeded in constructing for myself an instru-

[1] Galileo called it a spy-glass. The name "telescope" was first suggested by an Italian in 1612.

ment so superior that objects seen through it appear magnified nearly a thousand times, and more than thirty times nearer than if viewed by the natural powers of sight alone.

It would be altogether a waste of time to enumerate the number and importance of the benefits which this instrument may be expected to confer, when used by land or sea. But without paying attention to its use for terrestrial objects, I betook myself to observations of the heavenly bodies; and first of all, I viewed the Moon as near as if it was scarcely two semi-diameters of the Earth distant. After the Moon, I frequently observed other heavenly bodies, both fixed stars and planets, with incredible delight.

529. Galileo's Account of the Microscope [1]

Jansen, a Middelburg optician, invented about 1590 a form of the microscope which showed objects inverted. Instruments of this sort were subsequently manufactured in London, and two of them were sent to Rome in 1624. Galileo quickly improved upon the original invention, and his microscopes soon enjoyed as much celebrity as his telescopes.

I send your Excellency [2] a little spy-glass [3] for observing at close quarters the smallest objects, which I hope will afford you the same interest and pleasure that it does to myself. I delayed sending it because my first specimens were imperfect by reason of the difficulty in fashioning the lenses. The object is placed on a movable circle (at the base of the instrument) which can be turned in such a way as to show successive portions, a single pose being unable to show more than a small part of the whole. As the distance between the lens and the object must be precisely adjusted in order to see things that are in relief, it is necessary to bring the glass nearer to or farther from the object, according to the parts to be examined. Therefore the little tube is made adjustable on its stand or guide. The instrument should

[1] J. J. Fahie, *Galileo: His Life and Work*, London, 1903, pp. 210–211. John Murray.

[2] Prince Federigo Cesi, founder and president of the Lincean Academy, to whom Galileo addressed this letter on September 23, 1624.

[3] The name "microscope" was first suggested by an Italian in 1625.

be used in a strong light, or even in full sunlight, so as to illuminate the object as much as possible.

I have examined with the greatest delight a large number of animals, amongst which the bug is most horrible, the gnat and the moth very beautiful. I have also been able to discover how the fly and other little animals are able to walk on window panes and ceilings feet upwards. But your Excellency will now have the opportunity of observing thousands of other details of the most curious kind, of which I shall be glad to have an account. In short, one may contemplate endlessly the grandeur of Nature, how subtilely she works, and with what unspeakable diligence.

P.S. — The little tube is in two pieces, so that you may lengthen it or shorten it at pleasure.

530. Harvey's Dedication of His Treatise on the Circulation of the Blood [1]

William Harvey, the London physician, published his Latin treatise, *Exercitatio anatomica de motu cordis et sanguinis*, in 1628, with an accompanying letter addressed to Dr. Argent, president of the Royal College of Physicians, and to the author's colleagues in the society.

I have already and repeatedly presented you, my learned friends, with my new views of the motion and function of the heart, in my anatomical lectures; but having now for nine years and more confirmed these views by multiplied demonstrations in your presence, illustrated them by arguments, and freed them from the objections of the most learned and skilful anatomists, I at length yield to the requests, I might say entreaties, of many, and here present them for general consideration in this treatise.

Were not the work indeed presented through you, my learned friends, I should scarce hope that it could come out scatheless and complete; for you have in general been the faithful witnesses of almost all the instances from which I have either collected the truth or confuted error; you have seen my dissections, and at my demonstrations of all that I maintain to be objects of sense, you have been accustomed to stand by and bear me out with your testimony. And as this book alone declares the blood to course

[1] *The Works of William Harvey, M.D.*, London, 1847, pp. 5–7. Translated by Robert Willis. Sydenham Society.

and revolve by a new route, very different from the ancient and beaten pathway trodden for so many ages, and illustrated by such a host of learned and distinguished men, I was greatly afraid lest I might be charged with presumption did I lay my work before the public at home, or send it beyond seas for impression,[1] unless I had first proposed its subject to you, had confirmed its conclusions by ocular demonstrations in your presence, had replied to your doubts and objections, and secured the assent and support of our distinguished President. . . .

My dear colleagues, I had no purpose to swell this treatise into a large volume by quoting the names and writings of anatomists, or to make a parade of the strength of my memory, the extent of my reading, and the amount of my pains; because I profess both to learn and to teach anatomy, not from books but from dissections; not from the positions of philosophers but from the fabric of nature; and then because I do not think it right or proper to strive to take from the ancients any honour that is their due, nor yet to dispute with the moderns, and enter into controversy with those who have excelled in anatomy and been my teachers, I would not charge with wilful falsehood any one who was sincerely anxious for truth, nor lay it to any one's door as a crime that he had fallen into error. I avow myself the partisan of truth alone; and I can indeed say that I have used all my endeavours, bestowed all my pains on an attempt to produce something that should be agreeable to the good, profitable to the learned, and useful to letters.

531. Precursors of the Royal Society [2]

The Royal Society of London, the oldest scientific organization in Great Britain, is usually considered to have been founded in 1660. It had precursors, however, in the Philosophical Society of Oxford and in the so-called "Invisible College" at London. A close intercommunication was maintained between the Oxford and London philosophers, who formed the nucleus of the later Royal Society. Dr. John Wallis, the Oxford mathematician, thus describes their investigations.

[1] Harvey's treatise was published at Frankfort-on-Main, doubtless that it might be more easily disseminated over the Continent.

[2] C. R. Weld, *A History of the Royal Society*, London, 1848, vol. i, pp. 30–32.

Our business was (precluding matters of theology and state-affairs), to discourse and consider of Philosophical Enquiries, and such as related thereunto: as Physick, Anatomy, Geometry, Astronomy, Navigation, Staticks, Magneticks, Chymicks, Mechanicks and natural Experiments; with the state of these studies, as then cultivated at home and abroad. We then discoursed of the circulation of the blood, the valves in the veins, the *venæ lacteæ*, the lymphatick vessels, the Copernican hypothesis, the nature of comets and new stars, the satellites of Jupiter, the oval shape (as it then appeared) of Saturn, the spots in the sun, and its turning on its own axis, the inequalities and selenography of the Moon, the several phases of Venus and Mercury, the improvement of telescopes and grinding of glasses for that purpose, the weight of air, the possibility, or impossibility of vacuities, and nature's abhorrence thereof, the Torricellian experiment in quicksilver, the descent of heavy bodies, and the degrees of acceleration therein; and divers other things of like nature. Some of which were then but new discoveries, and others not so generally known and imbraced, as now they are, with other things appertaining to what hath been called The New Philosophy, which from the times of Galileo at Florence, and Sir Francis Bacon (Lord Verulam) in England, hath been much cultivated in Italy, France, Germany, and other parts abroad, as well as with us in England.

532. Celestial Mechanics [1]

The *Philosophiæ naturalis principia mathematica* of Sir Isaac Newton must always rank among the great treatises in the history of science. Carrying further the investigations of his predecessors, Galileo and Kepler, and of his co-workers, Halley, Flamsteed, and other members of the Royal Society, Newton was able to formulate mathematically the attraction of masses according to the inverse square of the distance and thus to account for the movements of the heavenly bodies as due to the same mysterious force of gravity which makes terrestrial objects fall to the ground. The *Principia* came out in 1687, with a long preface (dated May 8, 1686), from which the following paragraph is extracted.

[1] Sir Isaac Newton, *The Mathematical Principles of Natural Philosophy*, London, 1729, vol. i, pp. vii–ix. Translated by Andrew Motte.

Since the ancients (as we are told by Pappus [1]) made great account of the science of Mechanics in the investigation of natural things; and the moderns, laying aside substantial forms and occult qualities, have endeavoured to subject the phenomena of nature to the laws of mathematics; I have in this treatise cultivated Mathematics, so far as it regards Philosophy. . . . Our design not respecting arts but philosophy, and our subject, not manual but natural powers, we consider chiefly those things which relate to gravity, levity, elastic force, the resistance of fluids, and the like forces whether attractive or impulsive. And therefore we offer this work as mathematical principles of philosophy. For all the difficulty of philosophy seems to consist in this, from the phenomena of motions to investigate the forces of Nature, and then from these forces to demonstrate the other phenomena. And to this end, the general propositions in the first and second book are directed. In the third book we give an example of this in the explication of the System of the World. For by the propositions mathematically demonstrated in the first books, we there derive from the celestial phenomena, the forces of Gravity with which bodies tend to the Sun and the several Planets. Then from these forces by other propositions, which are also mathematical, we deduce the motions of the Planets, the Comets, the Moon, and the Sea. I wish we could derive the rest of the phenomena of Nature by the same kind of reasoning from mechanical principles. For I am induced by many reasons to suspect that they may all depend upon certain forces by which the particles of bodies, by some causes hitherto unknown, are either mutually impelled towards each other and cohere in regular figures, or are repelled and recede from each other; which forces being unknown, Philosophers have hitherto attempted the search of Nature in vain. But I hope the principles here laid down will afford some light either to that, or some truer method of Philosophy.

[1] A Greek geometer of Alexandria, who flourished about the end of the third century A.D.

533. Franklin's Kite Experiment [1]

In the *Autobiography* Franklin has an interesting account of the rise and progress of his scientific reputation, which was based upon his experiments with electricity. His interest in the subject resulted in a paper "on the sameness of lightning with electricity," which he sent to the Royal Society, where it was read and laughed at by the members. Meanwhile he continued his researches and in the summer of 1752 performed the famous kite experiment for drawing lightning from the clouds. The method followed is described in Franklin's letter to Peter Collinson, Fellow of the Royal Society.

As frequent mention is made in public papers from Europe, of the success of the Philadelphia experiment for drawing the electric fire from clouds by means of pointed rods of iron erected on high buildings, etc., it may be agreeable to the curious to be informed, that the same experiment has succeeded in Philadelphia, though made in a different and more easy manner, which is as follows.

Make a small cross of two light strips of cedar, the arms so long as to reach to the four corners of a large thin silk handkerchief when extended; tie the corners of the handkerchief to the extremities of the cross, so you have the body of a kite; which, being properly accommodated with a tail, loop, and string, will rise in the air, like those made of paper; but this being of silk is fitter to bear the wet and wind of a thunder-gust without tearing. To the top of the upright stick of the cross is to be fixed a very sharp-pointed wire, rising a foot or more above the wood. To the end of the twine, next the hand, is to be tied a silk ribbon, and where the silk and twine join, a key may be fastened. This kite is to be raised when a thunder-gust appears to be coming on, and the person who holds the string must stand within a door or window, or under some cover, so that the silk ribbon may not be wet; and care must be taken that the twine does not touch the frame of the door or window. As soon as any of the thunder-clouds come over the kite, the pointed wire will draw the electric fire from them, and the kite, with all the twine, will be electrified,

[1] *The Works of Benjamin Franklin*, Philadelphia, 1840, vol. v, pp. 295–296. Edited by Jared Sparks.

and the loose filaments of the twine will stand out every way, and be attracted by an approaching finger. And when the rain has wetted the kite and twine, so that it can conduct the electric fire freely, you will find it stream out plentifully from the key on the approach of your knuckle. At this key the phial may be charged; and from electric fire thus obtained, spirits may be kindled, and all the other electric experiments be performed, which are usually done by the help of a rubbed glass globe or tube, and thereby the sameness of the electric matter with that of lightning completely demonstrated.[1]

534. Laplace's Nebular Hypothesis[2]

The mathematician and astronomer, Marquis Laplace (1749–1827), the son of a farmer in Normandy, went to Paris as a youth and almost at once entered upon that career of discovery which brought to him many worldly honors and earned for him the title of the "Newton of France." The first two volumes of his *Mécanique céleste* appeared in 1799. They were preceded in 1796 by the more popular work, *Exposition du système du monde*, where the famous nebular hypothesis makes its appearance in a note appended to the closing chapter. In framing it Laplace had been to some extent anticipated by Kant over forty years previously, but the German philosopher made only a broad generalization while the French scientist went into details. Laplace's speculations formed the starting-point of modern cosmogonic theories, but with the advance of astronomical observation and physical research they have now been abandoned for newer and presumably more accurate conceptions of the genesis of the solar system.

In the primitive state in which we have supposed the Sun to be, it resembles those substances which are termed nebulæ, which, when seen through telescopes, appear to be composed of a nucleus, more or less brilliant, surrounded by a nebulosity, which, by condensing on its surface, transforms it into a star. If all the stars are conceived to be similarly formed, we can suppose their anterior state of nebulosity, to be preceded by other states, in which the nebulous matter was more or less diffuse, the nucleus being at the same time more or less brilliant. By going back in

[1] Letter from Philadelphia, October 19, 1752.

[2] P. S. Laplace, *The System of the World*, Dublin, 1830, vol. ii, pp. 354–356. Translated by H. H. Harte.

this manner, we shall arrive at a state of nebulosity so diffuse, that its existence can with difficulty be conceived.

For a considerable time back, the particular arrangement of some stars visible to the naked eye, has engaged the attention of philosophers. Mitchel remarked long since how extremely improbable it was that the stars composing the constellation called the Pleiades, for example, should be confined within the narrow space which contains them, by the sole chance of hazard; from which he inferred that this group of stars, and the similar groups which the heavens present to us, are the effects of a primitive cause, or of a primitive law of nature. These groups are a general result of the condensation of nebulæ of several nuclei, for it is evident that the nebulous matter being perpetually attracted by these different nuclei, ought at length to form a group of stars, like to that of the Pleiades. The condensation of nebulæ consisting of two nuclei, will in like manner form stars very near to each other, revolving the one about the other like to the double stars, whose respective motions have been already recognized.

But in what manner has the solar atmosphere determined the motions of rotation and revolution of the planets and satellites? If these bodies had penetrated deeply into this atmosphere, its resistance would cause them to fall on the Sun. We may therefore suppose that the planets were formed at its successive limits, by the condensation of zones of vapours, which it must, while it was cooling, have abandoned in the plane of its equator. . . .

The Sun's atmosphere cannot extend indefinitely; its limit is the point where the centrifugal force arising from the motion of rotation balances the gravity; but according as the cooling contracts the atmosphere and condenses the molecules that are near to it, on the surface of the star, the motion of rotation increases. . . . Consequently the rotation ought to be quicker, when these particles approach the centre of the Sun. The centrifugal force arising from this motion becoming thus greater; the point where the gravity is equal to it, is nearer to the centre of the Sun. Supposing therefore, what is natural to admit, that the atmosphere extended at any epoch as far as this limit, it ought, according as it cooled, to abandon the molecules, which are situated at

this limit, and at the successive limits produced by the increased rotation of the Sun. These particles, after being abandoned, have continued to circulate about this star, because their centrifugal force was balanced by their gravity.

535. Jenner's Petition to Parliament[1]

The discovery of vaccination, as a method of coping with the virulent disease of smallpox, was made by the English physician Edward Jenner. Parliament rewarded him in 1802 with a grant of £10,000, but this sum, being little more than enough to pay the expenses attendant upon his discovery, was subsequently increased to £30,000. Jenner's work, besides its immediate benefit to mankind, paved the way for the modern use of antitoxins in the treatment of many bacterial diseases.

That your petitioner having discovered that a disease which occasionally exists in a particular form among cattle, known by the name of the cow-pox, admits of being inoculated on the human frame with the most perfect ease and safety, and is attended with the singularly beneficial effect of rendering through life the persons so inoculated perfectly secure from the infection of the small-pox.

That your petitioner after a most attentive and laborious investigation of the subject, setting aside considerations of private and personal advantage, and anxious to promote the safety and welfare of his countrymen and of mankind in general, did not wish to conceal the discovery he so made on the mode of conducting this new species of inoculation, but immediately disclosed the whole to the public; and by communication with medical men in all parts of this kingdom, and in foreign countries, sedulously endeavoured to spread the knowledge of his discovery and the benefit of his labours as widely as possible.

That in this latter respect the views and wishes of your petitioner have been completely fulfilled, for to his high gratification he has to say that this inoculation is in practice throughout a great proportion of the civilized world, and has in particular been productive of great advantage to these kingdoms, in consequence of its being introduced, under authority, into the army and navy.

[1] John Baron, *The Life of Edward Jenner*, London, 1838, vol. i, pp. 490–491.

That the said inoculation hath already checked the progress of the small-pox, and from its nature must finally annihilate that dreadful disorder.

That the series of experiments by which this discovery was developed and completed have not only occupied a considerable portion of your petitioner's life, and have not merely been a cause of great expense and anxiety to him, but have so interrupted him in the ordinary exercise of his profession as materially to abridge its pecuniary advantages, without their being counterbalanced by those derived from the new practice.

Your petitioner, therefore, with the full persuasion that he shall meet with that attention and indulgence of which this Honourable House may deem him worthy, humbly prays this Honourable House to take the premises into consideration, and to grant him such remuneration as to their wisdom shall seem meet.

536. Lamarckian Evolution [1]

The Chevalier de Lamarck (1744–1829), while not the first to announce a doctrine of the variability of species, made a plausible attempt to explain it by his theory of the formation and modification of organs through the influence of "circumstances" (*i.e.*, the physical environment) on the habits of animals. His views are summarized in the following quotation from the *Philosophie zoölogique* (Chap. VII), which appeared at Paris in 1809.

The fact is that divers animals have each, according to their genus and their species, special habits, and in all cases an organization which is perfectly adapted to these habits.

From the consideration of this fact, it appears that we should be free to admit either one or the other of the following conclusions, and that only one of them is susceptible of proof.

Conclusion admitted up to this day: Nature (or its Author), in creating the animals, has foreseen all the possible kinds of circumstances in which they should live, and has given to each species an unchanging organization, as also a form determinate and invariable in its different parts, which compels each species

[1] A. S. Packard, *Lamarck, the Founder of Evolution*, New York, 1901, pp. 322–324. Longmans, Green, and Company.

to live in the places and in the climate where we find it, and has there preserved its known habits.

My own conclusion: Nature, in producing in succession every species of animal, and beginning with the least perfect or the simplest to end her work with the most perfect, has gradually complicated their structure; and these animals spreading generally throughout all the inhabitable regions of the globe, each species has received, through the influence of circumstances to which it has been exposed, the habits which we have observed, and the modifications in its organs which observation has shown us it possesses.

The first of these two conclusions is that believed up to the present day — namely, that held by nearly every one; it implies, in each animal, an unchanging organization and parts which have never varied, and which will never vary; it implies also that the circumstances of the places which each species of animal inhabits will never vary in these localities, for should they vary, the same animals could not live there, and the possibility of discovering similar forms elsewhere, and of transporting them there, would be forbidden.

The second conclusion is my own: it implies that, owing to the influence of circumstances on habits, and as the result of that of habits on the condition of the parts and even on that of the organization, each animal may receive in its parts and its organization, modifications susceptible of becoming very considerable, and of giving rise to the condition in which we find all animals.

To maintain that this second conclusion is unfounded, it is necessary at first to prove that each point of the surface of the globe never varies in its nature, its aspect, its situation whether elevated or depressed, its climate, etc., etc.; and likewise to prove that any part of animals does not undergo, even at the end of a long period, any modification by changes of circumstances, and by the necessity which directs them to another kind of life and action than that which is habitual to them.

Moreover, if a single fact shows that an animal for a long time under domestication differs from the wild form from which it has descended, and if in such a species in domesticity we find a great

difference in conformation between the individuals submitted to such habits, and those restricted to different habits, then it will be certain that the first conclusion does not conform to the laws of nature, and that, on the contrary, the second is perfectly in accord with them.

Everything combines then to prove my assertion — namely, that it is not the form, either of the body or of its parts, which gives rise to habits, and to the mode of life among animals; but that it is on the contrary, the habits, the manner of living, and all the other influencing circumstances which have, after a time, constituted the form of the body and of the parts of animals. With the new forms, new faculties have been acquired, and gradually nature has come to form the animals as we actually see them.

Can there be in natural history a consideration more important, and to which we should give more attention, than that which I have just stated?

537. Darwinian Evolution [1]

The hypothesis of "natural selection," to account for the development of living things, both plants and animals, is indelibly associated with the name of Charles Darwin. The Introduction to his *Origin of Species* (1859) outlines the nature and scope of that famous work.

When on board H. M. S. "Beagle," as naturalist,[2] I was much struck with certain facts in the distribution of the inhabitants of South America, and in the geological relations of the present to the past inhabitants of that continent. These facts seemed to me to throw some light on the origin of species — that mystery of mysteries, as it has been called by one of our greatest philosophers. On my return home, it occurred to me, in 1837, that something might perhaps be made out on this question by patiently accumulating and reflecting on all sorts of facts which could possibly have any bearing on it. After five years' work I allowed myself to speculate on the subject, and drew up some

[1] Charles Darwin, *The Origin of Species by Means of Natural Selection*, London, 1859, vol. i, pp. 1–4. John Murray.

[2] During the years 1831–1836.

short notes; these I enlarged in 1844 into a sketch of the conclusions, which then seemed to me probable: from that period to the present day I have steadily pursued the same object. I hope that I may be excused for entering on these personal details, as I give them to show that I have not been hasty in coming to a decision.

My work is now nearly finished; but as it will take me two or three more years to complete it, and as my health is far from strong, I have been urged to publish this abstract. I have more especially been induced to do this, as Mr. Wallace,[1] who is now studying the natural history of the Malay Archipelago, has arrived at almost exactly the same general conclusions that I have on the origin of species. In 1858 he sent to me a memoir on this subject, with a request that I would forward it to Sir Charles Lyell, who sent it to the Linnean Society, and it is published in the third volume of the Journal of that Society. Sir C. Lyell and Dr. Hooker,[2] who both knew of my work — the latter having read my sketch of 1844 — honored me by thinking it advisable to publish, with Mr. Wallace's excellent memoir, some brief extracts from my manuscripts. . . .

I shall devote the first chapter of this abstract to Variation under Domestication. We shall thus see that a large amount of hereditary modification is at least possible; and, what is equally or more important, we shall see how great is the power of man in accumulating by his Selection successive slight variations. I will then pass on to the variability of species in a state of nature; but I shall, unfortunately, be compelled to treat this subject far too briefly, as it can be treated properly only by giving long catalogues of facts. We shall, however, be enabled to discuss what circumstances are most favourable to variation. In the next chapter the Struggle for Existence amongst all organic beings throughout the world, which inevitably follows from their high geometrical powers of increase, will be treated of. This is the doctrine of Malthus, applied to the whole animal and vegetable kingdoms. As many more individuals of each species

[1] Alfred Russel Wallace.
[2] Joseph Hooker, the botanist.

are born than can possibly survive; and as, consequently, there is a frequently recurring struggle for existence, it follows that any being, if it vary however slightly in any manner profitable to itself, under the complex and sometimes varying conditions of life, will have a better chance of surviving, and thus be *naturally selected*. From the strong principle of inheritance, any selected variety will tend to propagate its new and modified form.

This fundamental subject of Natural Selection will be treated at some length in the fourth chapter; and we shall then see how Natural Selection almost inevitably causes much Extinction of the less improved forms of life, and leads to what I have called Divergence of Character. In the next chapter I shall discuss the complex and little known laws of variation and of correlation of growth. In the four succeeding chapters, the most apparent and gravest difficulties in accepting the theory will be given: namely, first, the difficulties of transitions, or how a simple being or a simple organ can be changed and perfected into a highly developed being or into an elaborately constructed organ; secondly, the subject of Instinct, or the mental powers of animals; thirdly, Hybridism, or the infertility of species and the fertility of varieties when intercrossed; and fourthly, the imperfection of the geological record. In the next chapter I shall consider the geological succession of organic beings throughout time; in the eleventh and twelfth, their geographical distribution throughout space; in the thirteenth, their classification or mutual affinities, both when mature and in an embryonic condition. In the last chapter I shall give a brief recapitulation of the whole work, and a few concluding remarks.

No one ought to feel surprise at much remaining as yet unexplained in regard to the origin of species and varieties, if he make due allowance for our profound ignorance in regard to the mutual relations of the many beings which live around us. Who can explain why one species ranges widely and is very numerous, and why another allied species has a narrow range and is rare? Yet these relations are of the highest importance, for they determine the present welfare, and, as I believe, the future success and modification of every inhabitant of this world. Still less

do we know of the mutual relations of the innumerable inhabitants of the world during the many past geological epochs in its history. Although much remains obscure, and will long remain obscure, I can entertain no doubt, after the most deliberate study and dispassionate judgment of which I am capable, that the view which most naturalists entertain, and which I formerly entertained — namely, that each species has been independently created — is erroneous. I am fully convinced that species are not immutable; but that those belonging to what are called the same genera are lineal descendants of some other and generally extinct species, in the same manner as the acknowledged varieties of any one species are the descendants of that species. Furthermore, I am convinced that Natural Selection has been the main, but not exclusive, means of modification.

538. Man and Nature [1]

Henry Thomas Buckle (1821–1862), who died prematurely, wrote only one book, the *History of Civilization in England* (2 vols., 1857–1861), and that was an unfinished introduction to a comprehensive account of the principles and laws of human progress in the world at large. The book enjoyed an immediate celebrity; if now somewhat neglected, many of its ideas have come to be the common possession of historians and sociologists. No one has stated more powerfully than Buckle the so-called materialistic interpretation of history, especially in Chapter II entitled "Influence exercised by Physical Laws over the Organization of Society and over the Character of Individuals."

If we inquire what those physical agents are by which the human race is most powerfully influenced, we shall find that they may be classed under four heads: namely, Climate, Food, Soil, and the General Aspect of Nature: by which last, I mean those appearances which, though presented chiefly to the sight, have, through the medium of that or other senses, directed the association of ideas, and hence in different countries have given rise to different habits of national thought. To one of these four classes, may be referred all the external phenomena by which Man has been permanently affected. The last of these classes, or what

[1] H. T. Buckle, *History of Civilization in England* (Fourth Edition), London, 1864, vol. i, pp. 36–38.

I call the General Aspect of Nature, produces its principal results by exciting the imagination, and by suggesting those innumerable superstitions which are the great obstacles to advancing knowledge. And as, in the infancy of a people, the power of such superstitions is supreme, it has happened that the various Aspects of Nature have caused corresponding varieties in the popular character, and have imparted to the national religion peculiarities which, under certain circumstances, it is impossible to efface. The other three agents, namely, Climate, Food, and Soil, have, so far as we are aware, had no direct influence of this sort; but they have, as I am about to prove, originated the most important consequences in regard to the general organization of society, and from them there have followed many of those large and conspicuous differences between nations, which are often ascribed to some fundamental difference in the various races into which mankind is divided. But while such original distinctions of race are altogether hypothetical, the discrepancies which are caused by difference of climate, food, and soil, are capable of a satisfactory explanation, and, when understood, will be found to clear up many of the difficulties which still obscure the study of history. I purpose, therefore, in the first place, to examine the laws of those three vast agents in so far as they are connected with Man in his social condition; and having traced the working of these laws with as much precision as the present state of physical knowledge will allow, I shall then examine the remaining agent, namely, the General Aspect of Nature, and shall endeavour to point out the most important divergencies to which its variations have, in different countries, naturally given rise.

Beginning, then, with climate, food, and soil, it is evident that these three physical powers are in no small degree dependent on each other: that is to say, there is a very close connexion between the climate of a country and the food which will ordinarily be grown in that country; while at the same time the food is itself influenced by the soil which produces it, as also by the elevation or depression of the land, by the state of the atmosphere, and, in a word, by all those conditions to the assem-

blage of which the name of Physical Geography is, in its largest sense, commonly given.

The union between these physical agents being thus intimate, it seems advisable to consider them not under their own separate heads, but rather under the separate heads of the effects produced by their united action. In this way we shall rise at once to a more comprehensive view of the whole question; we shall avoid the confusion that would be caused by artificially separating phenomena which are in themselves inseparable and we shall be able to see more clearly the extent of that remarkable influence, which, in an early stage of society, the powers of Nature exercise over the fortunes of Man.

539. The "Unknowable" [1]

Among English thinkers of the second half of the nineteenth century none exerted a wider influence than Herbert Spencer (1820–1903). The ten volumes of his *Synthetic Philosophy* were devoted, after a preliminary treatise entitled *First Principles*, to biology, psychology, sociology, and ethics. They formed an ambitious attempt to account for the universe as a whole, from the atom to the star, from the one-celled organism to man. Almost everything in them is contained, *in petto*, in a remarkable essay (1857), where, adopting the "law of development," or evolution, from the homogeneous to the heterogeneous, as worked out by the great German biologist Karl von Baer, in reference to living things, Spencer proceeded to make it a general principle of universal application. Yet as he points out in the final paragraph of the essay referred to, science concerns itself only with phenomena; behind phenomena there must be recognized an inscrutable Power — the "Unknowable."

Probably not a few will conclude that here is an attempted solution of the great questions with which Philosophy in all ages has perplexed itself. Let none thus deceive themselves. Only such as know not the scope and the limits of Science can fall into so grave an error. After all that has been said, the ultimate mystery of things remains just as it was. The explanation of that which is explicable, does but bring out into greater clearness the inexplicableness of that which remains behind.

[1] Herbert Spencer, "Progress: its Law and Cause," *Westminster Review* (Second Series), vol. xi (1857), pp. 484–485.

However we may succeed in reducing the equation to its lowest terms, we are not thereby enabled to determine the unknown quantity: on the contrary, it only becomes more manifest that the unknown quantity can never be found. We feel ever more and more certain that fearless inquiry tends continually to give a firmer basis to all true Religion. The timid sectarian, alarmed at the progress of knowledge, obliged to abandon one by one the superstitions of his ancestors, and daily finding sundry of his cherished beliefs more and more shaken, secretly fears that all things may some day be explained; and has a corresponding dread of Science: thus evincing the profoundest of all infidelity — the fear lest the truth be bad. On the other hand, the sincere man of science, content fearlessly to follow wherever the evidence leads him, becomes by each new inquiry more profoundly convinced that the Universe is an insoluble problem. Alike in the external and the internal worlds, he sees himself in the midst of perpetual changes, of which he can discover neither the beginning nor the end. If, tracing back the genesis of things, he allows himself to entertain the still unproved hypothesis that all matter once existed in a diffused form, he finds it utterly impossible to conceive how this came to be so; and equally, if he speculates on the future, he can assign no limit to the grand succession of phenomena ever evolving themselves before him. On the other hand, if he looks inward, he perceives that both terminations of the thread of consciousness are beyond his grasp: he cannot remember when or how consciousness commenced, and he cannot examine the consciousness that at any moment exists; for only a state of consciousness that is already past can become the object of thought, and never one which is passing. When, again, he turns from the succession of phenomena, external or internal, to their essential nature, he is equally at fault. Though he may succeed in resolving all properties of objects into manifestations of force, he is not thereby enabled to realize what force is; but finds, on the contrary, that the more he thinks about it, the more he is baffled. Similarly, though analysis of mental actions may finally bring him down to sensations as the original materials out of which all thought is woven, he is none the for-

warder; for he cannot in the least comprehend sensation — cannot even conceive how sensation is possible. Inward and outward things he thus discovers to be alike inscrutable in their ultimate genesis and nature. He sees that the Materialist and Spiritualist controversy is a mere war of words; the disputants being equally absurd — each believing he understands that which it is impossible for any human being to understand. In all directions his investigations eventually brings him face to face with the unknowable; and he ever more clearly perceives it to be the unknowable. He learns at once the greatness and the littleness of human intellect — its power in dealing with all that comes within the range of experience; its impotence in dealing with all that transcends experience. He feels, with a vividness which no others can, the utter incomprehensibleness of the simplest fact, considered in itself. He alone truly *sees* that absolute knowledge is impossible. He alone *knows* that under all things there lies an impenetrable mystery.

PART V
THE FAR EAST

SECTION XXVIII

INDIA

540. Hymn to Ushas[1]

The Aryan tribes that during the second millennium B.C. entered India by the western passes of the Hindu Kush, proceeding thence through the "land of the four rivers" (the Punjab) to the valley of the Ganges, seem to have brought with them many hymns of the *Rigveda*. Still other hymns in this collection were composed after their settlement in northern India. The *Rigveda*, as we now have it, contains 1017 hymns, divided into ten books, and written in Sanskrit. No literature in any other Indo-European language is nearly as old as these hymns, addressed by the priests to the gods and goddesses of the Vedic pantheon. The deities were the forces of nature more or less personalized: the heaven or sky (Dyaus, Varuna), the sun (Surya, Savitar), Mother Earth (Prithivi), Indra, the storm and rain god, Agni, god of fire, and Soma, the drink of the gods. The following hymn, addressed to the dawn goddess Ushas, illustrates both the poetry of the *Rigveda* and the religious aspirations of its priestly authors.

This light has come, of all the lights the fairest,
The brilliant brightness has been born, far-shining.
Urged onward for god Savitri's[2] uprising,
Night now has yielded up her place to Morning.

The sisters' pathway is the same, unending:
Taught by the gods, alternately they tread it.
Fair-shaped, of different forms and yet one-minded,
Night and Morning clash not, nor do they linger.

Bright leader of glad sounds, she shines effulgent:
Widely she has unclosed for us her portals.
Arousing all the world, she shows us riches:
Dawn has awakened every living creature.

[1] *Rigveda*, i, 113. A. A. Macdonell, *A History of Sanskrit Literature*, London, 1900, p. 83. William Heinemann, Ltd.

[2] Or Savitar, the sun god.

There Heaven's Daughter has appeared before us,
The maiden flushing in her brilliant garments.
Thou sovran lady of all earthly treasure,
Auspicious Dawn, flush here to-day upon us.

In the sky's framework she has shone with splendour;
The goddess has cast off the robe of darkness.
Wakening up the world with ruddy horses,
Upon her well-yoked chariot Dawn is coming.

Bringing upon it many bounteous blessings,
Brightly shining, she spreads her brilliant lustre.
Last of the countless mornings that have gone by,
First of bright morns to come has Dawn arisen.

Arise! the breath, the life, again has reached us:
Darkness has gone away and light is coming.
She leaves a pathway for the sun to travel:
We have arrived where men prolong existence.

541. Hymn to Varuna [1]

The hymns addressed to Varuna express the loftiest ethics of the *Rigveda*. This deity, perhaps originally a sky god, is represented as one who sees all, knows all, from whom nothing can be hid, the punisher of sin, and the guardian of the moral law.

Wise, truly, and great is his own nature,
Who held asunder spacious earth and heaven.
He pressed the sky, the broad and lofty, upward,
Aye, spread the stars, and spread the earth out broadly.

With my own self I hold communion:
How shall I ever with Varuna find refuge?
Will he without a grudge accept my offering?
When may I joyous look and find him gracious?

[1] *Rigveda*, vii, 86. Maurice Bloomfield, *The Religion of the Veda*, New York, 1908, pp. 124–125. G. P. Putnam's Sons.

Fain to discover this my sin, I question,
I go to those who know, and ask of them.
The self-same story they all in concert tell me:
"God Varuna it is whom thou hast angered."

What was my chief offence, O Varuna,
That thou wouldst slay thy friend who sings thy praises?
Tell me, infallible Lord, of noble nature,
That I may be prompt to quench thy wrath with homage!

Loose us from sins committed by our fathers,
From all those, too, which we ourselves committed!
Loose us, as thieves are loosed that lifted cattle;
As from a calf, take off Vasishtha's fetters!

'T was not my own sense, Varuna! 'T was deception,
'T was scant thought, strong drink, or dice, or passion.
The old are there to lead astray the younger,
Nay, sleep itself provokes unrighteous actions.

Let me do service to the merciful giver,
The zealous god, like a slave, but sinless!
The gracious god gave wisdom to the foolish,
He leads the wise, himself more wise, to riches.

May this our song, O Varuna, we pray thee,
Reach to thy heart, O god of lofty nature!
On home and work do thou bestow well-being;
Protect us, gods, for evermore with blessings!

542. Creation Hymn [1]

One of the most remarkable of the hymns of the *Rigveda* anticipates in some measure the speculations of Hindu philosophers and theologians on the mystery of the universe.

[1] *Rigveda*, x, 129. F. Max Muller, *Chips from a German Workshop*, New York, 1880, vol. i, pp. 76–77. Charles Scribner's Sons.

Nor Aught nor Naught existed; yon bright sky
Was not, nor heaven's broad woof outstretched above.
What covered all? what sheltered? what concealed?
Was it the water's fathomless abyss?
There was not death — yet was there naught immortal,
There was no confine betwixt day and night;
The only One breathed breathless by itself,
Other than It there nothing since has been.
Darkness there was, and all at first was veiled
In gloom profound — an ocean without light —
The germ that still lay covered in the husk
Burst forth, one nature, from the fervent heat.
Then first came love upon it, the new spring
Of mind — yea, poets in their hearts discerned,
Pondering, this bond between created things
And uncreated. Comes this spark from earth,
Piercing and all-pervading, or from heaven?
Then seeds were sown, and mighty powers arose —
Nature below, and power and will above —
Who knows the secret? who proclaimed it here,
Whence, whence this manifold creation [1] sprang?
The gods themselves came later into being.[2]
Who knows from whence this great creation sprang?
He from whom all this great creation came,
Whether his will created or was mute,
The Most High Seer that is in highest heaven,
He knows it — or perchance even He knows not.

543. Brahma [3]

The simple nature worship of the early Vedic period could not satisfy the religious needs of philosophic thinkers, who tended more and more

[1] The word translated as "creation" in this hymn means strictly "emitting" or "discharging." Indian thought did not conceive of a creation *ex nihilo*, but rather of the emanation or emerging of what was already implicit in the universe.

[2] Consequently the gods, being a part of the creation, do not know what was before it.

[3] *Chandogya-Upanishad*, iii, 14. L. D. Barnett, *Some Sayings from the Upanishads*, London, 1905, p. 16. Luzac and Company.

to emphasize the unity of the divine powers. Some of the latest hymns of the *Rigveda* (x, 90, 121, 129) set forth an elementary pantheism, which received further development by the Brahmans of the post-Vedic age. Pantheistic ideas at length emerged completely elaborated in the Upanishads (literally, "Sessions"), a name meaning secret or esoteric doctrines. Over a hundred of these works are extant, but only a few seem to be of great antiquity. The oldest belong to the seventh or sixth century B.C. The Upanishads are far from presenting a consistent and unified system of thought. They do agree, however, in the recognition of one absolute, impersonal, self-existent Being, the source of all being, the world soul, the cosmical principle of the universe — Brahma. The spirit of Upanishadic pantheism is pithily expressed in the work known as *Sandilya's Lore*, which forms one of the most quoted teachings of Brahmanism.

Brahma in sooth is this All. It hath therein its beginning, end, and breadth; so one should worship it in stillness.

Now Man in sooth is made of will.[1] As is Man's will in this world, so doth he become on going hence. Will shall he frame.

Made of mind, bodied of breadth, revealed in radiance, true of purpose, ethereal of soul, all-working, all-loving, all-smelling, all-tasting, grasping this All, speaking naught, heeding naught, this my Self within my heart is tinier than a rice-corn or a barley-corn or a mustard-seed or a canary-seed or the pulp of a canary-seed. This my Self within my heart is greater than earth, greater than sky, greater than heaven, greater than these worlds.

All-working, all-loving, all-smelling, all-tasting, grasping this All, speaking naught, heeding naught, this is my Self within my heart, this is Brahma, to Him shall I win on going hence. He that hath this thought hath indeed no doubt.

544. Vishnu [2]

The philosophies of later Vedic and post-Vedic times appealed by their very nature to limited circles. The popular polytheism lived on, but the old nature deities, except Indra, gradually lost their importance and gave way to other deities, especially Vishnu, the Preserver, and Siva (Shiva), the Destroyer. Beside these two stands Brahma, the All-Father and Creator, a personal god replacing the metaphysical

[1] Or "knowledge."

[2] *Raghuvamsa*, x, 15–32. John Muir, *Metrical Translations from Sanskrit Writers*, London, 1879, pp. 199–201. Kegan Paul, Trench, Trubner, and Company, Ltd.

Absolute (Brahma) of the Upanishads. Brahma is never worshiped exclusively, but only with Vishnu and Siva as a member of a triad (*trimurti*). The adherents of these two deities tend to identify their Lord outright with the Supreme Being, as in this hymn to Vishnu attributed to the celebrated poet and dramatist Kalidasa.

Glory to Thee, who art first the creator of the universe, next its upholder, and finally its destroyer; glory to Thee in this threefold character. As water falling from the sky, though having but one flavour, assumes different flavours in different bodies, so Thou, associated with the three qualities, assumest three states, though Thyself unchanged. Immeasurable, Thou measurest the worlds; desiring nothing, Thou are the fulfiller of desires; unconquered, Thou art a conqueror; utterly indiscernible, Thou art the cause of all that is discerned. Though one, Thou from one or another cause assumest this or that condition; Thy variations are compared to those which crystal undergoes from the contact of different colours. Thou art known as abiding in our hearts, and yet as remote; as free from affection, as ascetic, merciful, untouched by sin, primeval, and imperishable. Thou knowest all things, Thyself unknown; sprung from Thyself, Thou art the source of all things; Thou are the lord of all, Thyself without a master; though but one, Thou assumest all forms. . . .

Who comprehends the truth regarding Thee, who art unborn, and yet becomest born; who art passionless, yet slayest thine enemies, who sleepest, and yet art awake? Thou art capable of enjoying sounds and other objects of sense, of practising severe austerity, of protecting thy creatures, and of living in indifference to all external things. The roads leading to perfection, which vary according to the different revealed systems, all end in Thee, as the waves of the Ganges flow to the ocean. For those passionless men whose hearts are fixed on Thee, who have committed to Thee their works, Thou art a refuge, so that they escape further mundane births. Thy glory, as manifested to the senses in the earth and other objects, is yet incomprehensible: what shall be said of Thyself, who canst be proved only by the authority of scripture and by inference? Seeing that the remem-

brance of Thee alone purifies a man, — the rewards of other mental acts also, when directed towards Thee, are thereby indicated. As the waters exceed the ocean, and as the beams of light exceed the sun, so Thy acts transcend our praises. There is nothing for Thee to attain which Thou hast not already attained: kindness to the world is the only motive for Thy birth and for Thy actions. If this our hymn now comes to a close after celebrating Thy greatness, the reason of this is our exhaustion or our inability to say more, not that there is any limit to Thy attributes.

545. Materialism [1]

India, though one of the most religious of lands, is not without philosophic schools which profess a thoroughgoing materialism. The Charvakas, so named from a more or less legendary founder, form perhaps the most celebrated of these schools. Their views are set forth by Madhavacharya (1331), who in his work called *Sarva-darsana sangraha*, or "Summary of All the Systems," quotes the passage reproduced in English translation below.

No heaven exists, no final liberation,
No soul, no other world, no rites of caste,
No recompense for acts; the Agnihotra,[2]
The triple Veda,[3] triple self-command,
And all the dust and ashes of repentance —
These yield a means of livelihood for men,
Devoid of intellect and manliness.
If victims slaughtered at a sacrifice
Are raised to heavenly mansions, why should not
The sacrificer immolate his father?
If offerings of food can satisfy
Hungry departed spirits, why supply
The man who goes on journey with provisions?
His friends at home can feed him with oblations.
If those abiding in celestial spheres

[1] Sir M. Monier-Williams, *Indian Wisdom* (Fourth Edition), London, 1893, pp. 121–122. Luzac and Company.

[2] Burnt-offerings and libations of butter on fire.

[3] The *Rigveda*, the *Samaveda*, and the *Yajurveda*.

Are filled with food presented upon earth,
Why should not those who live in upper stories
Be nourished by a meal spread out below?
While life endures let life be spent in ease
And merriment; let a man borrow money
From all his friends and feast on melted butter.
How can this body when reduced to dust
Revisit earth? and if a ghost can pass
To other worlds, why does not strong affection
For those he leaves behind attract him back?
The costly rites enjoined for those who die
Are a mere means of livelihood devised
By sacerdotal cunning — nothing more.
The three composers of the triple Veda
Were rogues, or evil spirits, or buffoons.
The recitation of mysterious words
And jabber of the priests is simple nonsense.

546. Caste [1]

The *Manava Dharmasastra* ("Institutes of Manu") is a Sanskrit law-book, the date of whose composition lies between 200 B.C. and 200 A.D. It may be described as a metrical version of the traditional observances of the Brahmans. The authorship of the work was assigned to the mythical sage Manu (Sanskrit "man"), the descendant of Brahma. At first a mere local collection of precepts on religion, philosophy, and morality, Manu's code became in time the basis of Hindu jurisprudence. It has thus secured a degree of reverence throughout India only second to that accorded to the Vedas. The code has been aptly described as the Magna Carta of Brahmanism. The Brahmans are treated in it as the great central order of society, around which all the other orders revolve like satellites.

But in order to protect this universe He,[2] the most resplendent one, assigned separate duties and occupations to those who sprang from his mouth, arms, thighs, and feet.

To Brahmanas he assigned teaching and studying the Veda,

[1] *Manu*, i, 87–102; *Sacred Books of the East*, vol. xxv, pp. 24–26. Translated by G. Bühler.

[2] Brahma.

sacrificing for their own benefit and for others, giving and accepting of alms.

The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study the Veda, and to abstain from attaching himself to sensual pleasures;

The Vaisya to tend cattle, to bestow gifts, to offer sacrifices, to study the Veda, to trade, to lend money, and to cultivate land.

One occupation only the lord prescribed to the Sudra, to serve meekly even these other three castes [1]. . . .

As the Brahmana sprang from Brahman's mouth, as he was the first-born, and as he posesses the Veda, he is by right the lord of this whole creation. . . .

Of created beings the most excellent are said to be those which are animated; of the animated, those which subsist by intelligence; of the intelligent, mankind; and of men, the Brahmanas;

Of Brahmanas, those learned in the Veda; of the learned, those who recognise the necessity and the manner of performing the prescribed duties; of those who possess this knowledge, those who perform them; of the performers, those who know the Brahman.

The very birth of a Brahmana is an eternal incarnation of the sacred law, for he is born to fulfill the sacred law, and becomes one with Brahman.

A Brahmana, coming into existence, is born as the highest on earth, the lord of all created beings, for the protection of the treasury of the law.

Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all.

The Brahmana eats but his own food, wears but his own apparel, bestows but his own in alms; other mortals subsist through the benevolence of the Brahmana.

In order to clearly settle his duties and those of the other castes according to their order, wise Manu sprung from the Self-existent, composed these Institutes of the sacred law.

[1] Hindus regard the Brahmans (priests and poets), Kshatriyas (nobles and warriors), Vaisyas (herdsmen, farmers, and traders), and Sudras (serfs and slaves) as the four primary castes, from which later ones arose as the result of cross-breeding.

547. Rules for Caste [1]

The *Vishnusutra* ("Institutes of Vishnu") is in the main a collection of ancient aphorisms on the sacred laws attributed to the god Vishnu. Of all the law-books it agrees most closely with Manu's code, though there are differences between the two on a great many minor points. The whole work seems to have been recast by a Vishnuite editor at a comparatively recent date. It reached completed form not later than the eleventh century A.D., and from this time it is quoted in nearly every digest of Hindu law.

Brahmanas, Kshatriyas, Vaisyas, and Sudras are the four castes.

The first three of these are called twice-born.

For them the whole number of ceremonies, which begin with the impregnation and end with the ceremony of burning the dead body, have to be performed with the recitation of Mantras.[2]

Their duties are:

For a Brahmana, to teach the Veda;

For a Kshatriya, constant practice in arms;

For a Vaisya, the tending of cattle;

For a Sudra, to serve the twice-born;

For all the twice-born, to sacrifice and to study the Veda.

Again, their modes of livelihood are:

For a Brahmana, to sacrifice for others and to receive alms;

For a Kshatriya, to protect the world and receive due reward, in form of taxes;

For a Vaisya, tillage, keeping cows and other cattle, traffic, lending money upon interest, and growing seeds;

For a Sudra, all branches of art such as painting and the other fine arts;

In times of distress, each caste may follow the occupation of that next below to it in rank.

Forbearance, veracity, restraint, purity, liberality, self-control, not to kill any living being, obedience towards one's Gurus,[3] visiting places of pilgrimage, sympathy with the afflicted,

[1] *Vishnu*, ii; *Sacred Books of the East*, vol. vii, pp. 12–13. Translated by Julius Jolly.

[2] Charms.

[3] Teachers.

Straightforwardness, freedom from covetousness, reverence towards gods and Brahmanas, and freedom from anger are duties common to all castes.

548. Criticism of Caste [1]

The caste system, by dividing the people of India into innumerable small groups, undoubtedly tends to prevent the development of any true national feeling among them. It is uneconomic, for it determines each person's occupation and restricts his activity throughout life. To a Westerner it also seems utterly undemocratic and in every way opposed to the "brotherhood of man." This last criticism of the caste system often finds expression in the popular literature of India, as in the following stanzas by Vemana, a Telegu poet.

If we look through all the earth
  Men, we see, have equal birth.
Made in one great brotherhood,
  Equal in the sight of God.

Food or caste or place of birth
  Cannot alter human worth.
Why let caste be so supreme?
  'Tis but folly's passing stream.

While the iron age doth last,
  Men are good in every caste.
Blustering fools all men despise;
  None are good in such men's eyes.

Viler than the meanest race
  Is the man before whose face
Others only Sudras are.
  Hell for him shall ne'er unbar.

Empty is a caste-dispute:
  All the castes have but one root.
Who on earth can e'er decide
  Whom to praise and whom deride?

[1] C. E. Gover, *The Folk Songs of Southern India*, Madras, 1871, p. 275.

Why should we the Pariah scorn,
When his flesh and blood were born
Like to ours? What caste is He
Who doth dwell in all we see?

549. Animal Transmigrations [1]

The doctrine of rebirth, often loosely called transmigration of souls, does not appear in the *Rigveda*. It was adopted, however, by Hindu philosophers, possibly as a modification of primitive ideas which they received from the Dravidians, the dark-skinned aborigines of India. Whatever its origin, the doctrine came to form an integral part of the religion of Brahmanism, from which it passed to Buddhism. The code of Manu includes a very detailed account of transmigration, showing that it reaches downward from gods and saints through ascetics, Brahmans, and kings, to low-caste men, animals, and inert things. "In consequence of many sinful acts committed with his body, a man becomes in the next birth something inanimate; in consequence of sins committed by speech, a bird or a beast; and in consequence of mental sins he is reborn in a low caste" (*Manu*, xii, 9). The various animal transmigrations awaiting sinners after death are further enumerated and elaborated in the law-book of Vishnu.

Now after having suffered the torments inflicted in the hells,[2] the evil-doers pass into animal bodies.

Criminals in the highest degree enter the bodies of all plants successively.

Mortal sinners enter the bodies of worms or insects.

Minor offenders enter the bodies of birds.

Criminals in the fourth degree enter the bodies of aquatic animals.

Those who have committed a crime effecting loss of caste, enter the bodies of amphibious animals.

Those who have committed a crime degrading to a mixed caste, enter the bodies of deer.

Those who have committed a crime rendering them unworthy to receive alms, enter the bodies of cattle.

[1] *Vishnu*, xliv, 1–11, 44–45; *Sacred Books of the East*, vol. vii, pp. 144–146. Translated by Julius Jolly.

[2] Vishnu (xliii) enumerates the twenty-one hells. In each of these, successively, criminals, mental sinners, and minor offenders are tormented for varying periods.

Those who have committed a crime causing defilement, enter the bodies of low-caste men such as Kandalas, who may not be touched.

Those who have committed one of the miscellaneous crimes, enter the bodies of miscellaneous wild carnivorous animals such as tigers.

One who has eaten the food of one whose food may not be eaten, or forbidden food, becomes a worm or insect. . . .

He who has taken by force any property belonging to another, or eaten food not first presented to the gods at the Vaisvadeva offering, inevitably enters the body of some beast.

Women, who have committed similar thefts, receive the same ignominious punishment: they become females to those male animals.

550. The "Noble Eightfold Path" [1]

Buddhism seems to have started as a reforming sect of Brahmanism. Its founder, Gautama (Gotama), was born (560 B.C.?) in the city of Kapila-vastu, on the frontier of Nepal. As the only son of a wealthy landed proprietor, he enjoyed a good education. He married, when a very young man, and had one son. At the age of twenty-nine Gautama abandoned home, wife, and child and went forth, as thousands of others in his day, in search of salvation. He learned everything that the Brahmans could teach, but their philosophy did not satisfy him. Then he became a hermit and for six years practiced the most severe austerities. Fasting and other forms of self-mortification were also fruitless; they brought no answer to his questionings. One day, however, as he sat in meditation under the Bo Tree, or tree of wisdom, the hour of illumination came and he found the truth which neither learning nor self-mortification had taught him. In that moment he became the Buddha, the Enlightened. This truth he resolved to preach to the world, first proclaiming it to the five recluses (bhikkhus) who had been his associates. What he said to them is set forth in the sermon called "Foundation of the Kingdom of Righteousness." We have in it not only the actual basis of Buddha's teaching, but also, presumably, the very words with which he addressed his companion recluses. The sermon is reproduced below in a translation from the Pali text of one of the Suttas. The passages in parentheses have been added by native commentators.

[1] *Dhamma-kakka-ppavattana Sutta*, 2–8. T. W. Rhys Davids, *Buddhism: its History and Literature* (Second Edition), New York, 1907, pp. 135–137. G. P. Putnam's Sons.

There are two extremes, O recluses, which he who has gone forth ought not to follow: The habitual practice, on the one hand, of those things whose attraction depends upon the pleasures of sense, and especially of sensuality (a practice low and pagan, fit only for the worldly-minded, unworthy, of no abiding profit); and the habitual practice, on the other hand, of self-mortification (a practice painful, unworthy, and equally of no abiding profit).

There is a Middle Way, O recluses, avoiding these two extremes, discovered by the Tathagata [1] — a path which opens the eyes and bestows understanding, which leads to peace of mind, to the higher wisdom, to full enlightenment, to Nirvana.

And which is that Middle Path? Verily it is the Noble Eightfold Path. That is to say:

Right Views (free from superstition or delusion) —
Right Aspirations (high, and worthy of the intelligent, worthy man) —
Right Speech (kindly, open, truthful) —
Right Conduct (peaceful, honest, pure) —
Right Livelihood (bringing hurt or danger to no living thing) —
Right Effort (in self-training and in self-control) —
Right Mindfulness (the active, watchful mind) —
Right Rapture (in deep meditation on the realities of life).

Now this, O recluses, is the noble truth concerning suffering.

Birth is painful, and so is old age; disease is painful, and so is death. Union with the unpleasant is painful, painful is separation from the pleasant; and any craving that is unsatisfied, that too is painful. In brief, the five aggregates which spring from attachment (the conditions of individuality and its cause), they are painful.

Now this, O recluses, is the noble truth concerning the origin of suffering. Verily it originates in that craving thirst which causes the renewal of becomings, is accompanied by sensual delight, and seeks satisfaction now here, now there — that is to

[1] The Buddha's own name for himself and perhaps to be explained as the Perfect or the Perfected One. It has also been interpreted as meaning "He who comes and goes in the same way," as the Buddhas who preceded him.

say, the craving for the gratification of the passions, or the craving for a future life, or the craving for success in this present life (the lust of the flesh, the lust of life, or the pride of life).

Now this, O recluses, is the noble truth concerning the destruction of suffering.

Verily, it is the destruction, in which no craving remains over, of this very thirst; the laying aside of, the getting rid of, the being free from, the harbouring no longer of, this thirst.

And this, O recluses, is the noble truth concerning the way which leads to the destruction of suffering.

Verily, it is this Noble Eightfold Path.

551. Buddha's Hymn of Triumph [1]

This hymn is supposed to have been sung by Buddha after he attained illumination under the sacred Bo Tree. It appears in a commentary on the *Jataka* called by the Sinhalese compiler *Nidanakatha*, or the "Story of the Lineage."

Long have I wandered, long,
Bound by the chain of life
Through many births,
Seeking thus long in vain,
The builder of the house. And pain
Is birth again, again.
House-maker, thou art seen!
No more a house thou'lt make.
Broken are all thy beams.
Thy ridge-pole shattered! [2]
From things that make for life my mind has past:
The end of cravings has been reached at last!

552. Nirvana

For Buddha life is suffering. The only way to prevent its continuance from one rebirth to another is by suppressing fleshly lusts and even the

[1] *Nidanakatha*, 278. T. W. Rhys Davids, *Buddhist Birth-Stories*, London, 1926, p. 198. Edited by Mrs. T. W. Rhys Davids. George Routledge and Sons, Ltd.

[2] The beams of sin and the ridge-pole of care, which give to the house of individuality its apparent strength, have now passed away in the peace of Nirvana.

[3] *Melindapanha*, iv, 8, 58–59. E. W. Burlingame, *Buddhist Parables*. New Haven, 1922, pp. 217–218. Yale University Press.

craving for existence. By rigid self-control, meditation, and holiness of thought and conduct man may attain, if not in the present life, then after a succession of lives, the final goal of Nirvana. What is Nirvana? Is it the extinction of existence; or surcease of sorrow through the suppression of desire, the cause of sorrow; or transcendental knowledge of the Absolute; or the beatific vision and the peace that passes understanding? About all that can be said with certainty of Nirvana, at least as imagined by Buddha and his immediate followers, is that it meant a peaceful end without either the fear or the desire of rebirth. There is a very interesting Buddhist work, the *Melindapanha*, in the form of imaginary dialogues between a Greek king of Bactria and the sage Nagasena, which attempts to set forth clearly and simply the essentials of Buddhism. The selection quoted below on the nature of Nirvana probably dates from about the beginning of the fifth century A.D.

"Reverend Nagasena, is Nibbana[1] unalloyed bliss, or is it alloyed with pain?" "Nibbana, great king, is unalloyed bliss; it is not alloyed with pain." "I, Reverend Nagasena, do not believe that statement: 'Nibbana is unalloyed bliss.' This, Reverend Nagasena, is my firm conviction on the subject: 'Nibbana is alloyed with pain.' Now I have a reason to give for this statement: 'Nibbana is alloyed with pain.' What is the reason for this?

"Reverend Nagasena, in the case of all those who seek after Nibbana, plainly evident are their effort and exertion of body and mind, their self-restraint in standing and walking and sitting and lying and eating, their suppression of sleep, their repression of the Organs of Sense, their renunciation of goods and grain and of dear kinsfolk and friends.

"Now persons in the world who are happy, who are endowed with happiness, all with one accord please and increase their Organs of Sense: the eye with all manner of delightful visible objects which yield pleasurable reflexes; the ear with songs and strains; the nose with odors of flowers, fruits, leaves, bark, roots, essences; the tongue with flavors of hard and soft food and of sippings and drinkings and tastings; the body with contacts with objects both delicate and fine, both soft and mild; the mind by fixing the attention of the thoughts on all manner of delightful objects of thought, both good and evil, both pure and impure.

[1] The Pali form.

"But you strike at and strike down, hew at and hew down, obstruct and impede, the increase of eye, ear, nose, tongue, body, and mind. Therefore both the body suffers and the mind suffers. When the body suffers, sensations of bodily pain are experienced; when the mind suffers, sensations of mental pain are experienced. Did not also Magandiya the wandering ascetic, in railing at the Exalted One, say this: 'A Destroyer of Increase is the monk Gotama'? This is my reason for saying: 'Nibbana is alloyed with pain.'"

"No indeed, great king, Nibbana is not alloyed with pain; Nibbana is unalloyed bliss. Now, great king, as to your statement that Nibbana is pain, — this pain is not Nibbana at all; this is only the beginning of the realization of Nibbana, this is only the seeking after Nibbana. Nibbana, great king, is unalloyed bliss, pure and simple; it is not alloyed with pain. Let me explain what I mean."

"Great king, do kings enjoy the bliss of sovereignty?" — "Yes, Reverend Sir, kings enjoy the bliss of sovereignty."

"Now, great king, is this bliss of sovereignty alloyed with pain?" — "No indeed, Reverend Sir."

"But, great king, what have you to say to this? When a border-province breaks into insurrection, in order to quell those border-inhabitants, kings go afield with their retinues of ministers and captains and soldiers and servants, permit themselves to be tormented by gnats and mosquitoes, by wind and sun, hurry this way and that over even and uneven ground, wage mighty battles, and risk their lives!"

"Reverend Nagasena, this is not the bliss of sovereignty; this is only a preliminary to the quest of the bliss of sovereignty. With pain, Reverend Nagasena, do kings seek after sovereignty; then they enjoy the bliss of sovereignty. Thus, Reverend Nagasena, the bliss of sovereignty is not alloyed with pain. Bliss of sovereignty is one thing; pain is quite another."

"Precisely so, great king, Nibbana is unalloyed bliss."

553. Karma [1]

Karma, or *karman*, a Sanskrit noun meaning "deeds," in the Upanishads denotes technically a man's deeds as determining his future lot: "according to his deeds so is his destiny." Salvation to the Hindu mind thus becomes simply deliverance from the power of Karma. Each of the philosophic sects has its own solution of the problem presented. Buddha seems to have taken over the Karma doctrine from Brahmanism, but as he rejected both the belief in an entity called the soul and the conception of fate or predestination, he had to modify the doctrine into what by Buddhists themselves is acknowledged to be an incomprehensible mystery.

Assailed by death, in life's last throes,
At quitting of this human state,
What is it one can call his own?
What with him take as he goes hence?
What is it follows after him,
And like a shadow ne'er departs?

His good deeds and his wickedness,
Whate'er a mortal does while here;
'Tis this that he can call his own,
This with him take as he goes hence.
This is what follows after him,
And like a shadow ne'er departs.

Let all, then, noble deeds perform,
A treasure-store for future weal;
For merit gained this life within,
Will yield a blessing in the next.

554. Buddhist Beatitudes [2]

Buddha seems to have left the old Hindu mythology practically untouched, for Brahma, Indra, and other deities find frequent mention in Buddhist scriptures. He did sweep away, however, the cruel austerities, which were considered meritorious, together with the sacrifices

[1] *Samyutta Nikaya*, iii, 1–4. H. C. Warren, *Buddhism in Translations*, Cambridge, Mass., 1896, p. 214. Harvard University Press.

[2] *Sutta Nipata*, ii, 4, 1–12. F. L. Woodward, *Some Sayings of the Buddha*, Oxford, 1925, pp. 56–58. Clarendon Press.

of animals. For Buddha all life, whether of men or of animals, was sacred. The precepts here quoted are taken from the *Sutta Nipata*, a Pali poetical work containing some of the oldest writings of Buddhism and presenting a very simple form of that religious system. A *deva* (divine being) speaks in the first verse and is answered by Buddha in the verses following.

Many devas and many men have pondered on blessings,
Longing for goodly things. O tell me Thou the greatest blessing!

Not to follow after fools, but to follow after the wise:
The worship of the worshipful, — this is the greatest blessing.

To dwell in a pleasant spot, to have done good deeds in former births,
To have set oneself in the right path, — this is the greatest blessing.

Much learning and much science, and a discipline well learned,
Yea, and a pleasant utterance, — this is the greatest blessing.

The support of mother and father, the cherishing of child and wife,
To follow a peaceful livelihood, — this is the greatest blessing.

Giving of alms, the righteous life, to cherish kith and kin,
And to do deeds that bring no blame, — this is the greatest blessing.

To cease and to abstain from sin, to shun intoxicants;
And steadfastness in righteousness, — this is the greatest blessing.

Reverence, humility, content, and gratitude,
To hear the Norm[1] at proper times, — this is the greatest blessing.

Patience, the soft answer, the sight of those controlled,
And pious talk in season due, — this is the greatest blessing.

[1] *I.e.*, the Buddhist Law.

Restraint, the holy life, discernment of the Ariyan[1] Truths,
Of one's own self to know the Goal,[2] — this is the greatest blessing.

A heart untouched by worldly things, a heart that is not swayed
By sorrow, a heart passionless, secure, — that is the greatest blessing.

Invincible on every side, they who do these things
On every side they go to bliss, — theirs is the greatest blessing.

555. The Buddha's Way of Virtue[3]

Buddhist morality is best epitomized in the *Dhammapada*, which was accepted as early as 240 B.C. as a collection of the sayings of Buddha. The work doubtless contains some matter for which the Teacher was not responsible, but it breathes throughout his spirit, and it has always been used in Buddhist lands as a manual of devotion and meditation. The Pali version, as found in Ceylon, contains four hundred and twenty-three of these "Scripture Verses."

For never in this world does hatred cease by hatred;
Hatred ceases by love; this is always its nature.

As rain breaks in upon an ill-thatched hut,
So passion breaks in upon the untrained mind.

The foolish follow after vanity; deluded men!
While the wise guards earnestness as his richest treasure.

When by earnestness he has put an end to vanity,
And has climbed the terraced heights of wisdom,
The wise looks down upon the fools;
Serene he looks upon the toiling crowd,
As one standing on a hill looks down
On those who stand upon the plain.

[1] Or Aryan, equivalent to Noble.

[2] Nirvana.

[3] *Dhammapada*, 5, 13, 26, 28, 29, 35, 49, 52, 61, 103, 121, 159, 197, 198, 199, 200, 201, 222, 223, 224, 354. T. W. Rhys Davids, *Buddhism*, London, 1910, pp. 128–131. Society for Promoting Christian Knowledge.

Earnest among the heedless;
Wide awake among the sleepers;
The wise makes progress, leaving those behind
As the swift steed the horse who has no strength.

It is good to tame the mind,
Difficult to hold in, and flighty;
Rushing where'er it listeth;
A tamed mind is the bringer of bliss.

As the bee — injuring not
The flower, its colour, or scent —
Flies away, taking the nectar;
So let the wise man dwell upon the earth.

Like a beautiful flower full of colour, without scent,
The fine words of him who does not act accordingly are fruitless.
Like a beautiful flower full of colour and full of scent,
The fine words of him who acts accordingly are full of fruit.

As long as the sin bears no fruit,
The fool, he thinks it honey;
But when the sin ripens,
Then, indeed, he goes down into sorrow.

One may conquer a thousand thousand men in battle,
But he who conquers himself alone is the greatest victor.

Let no man think lightly of sin, saying in his heart, "It cannot overtake me."
As the waterpot fills by even drops of water falling,
The fool gets full of sin, ever gathering little by little.

Let a man make himself what he preaches to others;
The well-subdued may subdue others; one's self, indeed, is hard to tame.

Let us live happily, then, not hating those who hate us!
Let us live free from hatred among men who hate!

Let us live happily, then, free from ailments among the ailing!
Let us dwell free from afflictions among men who are sick at heart!

Let us live happily, then, free from care among the busy!
Let us dwell free from yearning among men who are anxious!

Let us live happily, then, though we call nothing our own!
We shall become like the bright gods who feed on happiness!

Victory breeds hatred, for the conquered is ill at ease.
The tranquil live well at ease, careless of victory and defeat.

He who holds back rising anger as one might a rolling chariot,
Him, indeed, I call a driver: others only hold the reins.

Let a man overcome anger by kindness, evil by good;
Let him conquer the stingy by a gift, the liar by truth.

Let him speak the truth; let him not yield to anger;
Let him give when asked, even from the little he has!
By these three things he will enter the presence of the gods.

The gift of the Law exceeds all gifts,
The sweetness of the Law exceeds all sweetness;
The delight of the Law exceeds all delight;
The extinction of thirst overcomes all grief.

556. The Ten Commandments of Buddhism [1]

A short work, the *Khuddaka Patha*, written in Pali and preserved among the Buddhists of Ceylon and Farther India, enumerates ten commandments. The first five of these are binding on every Buddhist, whether monk or layman, but the second five are not obligatory for the laity.

1. Abstinence from destroying life.
2. Abstinence from taking what is not given.
3. Abstinence from unchastity.[2]
4. Abstinence from falsehood.

[1] *Khuddaka Patha*, 2. E. J. Thomas, *Buddhist Scriptures*, London, 1913, pp. 52–53. John Murray. New York: E. P. Dutton and Company.

[2] In the case of monks this rule means absolute celibacy.

5. Abstinence from spirituous liquors, strong drink, intoxicants, which are a cause of negligence.
6. Abstinence from eating at the wrong time.[1]
7. Abstinence from looking at dancing, singing, music, and plays.
8. Abstinence from wearing garlands, scents, unguents, ornaments, and adornments, which are a cause of negligence.
9. Abstinence from a high or large bed.
10. Abstinence from accepting gold and silver.

557. Formula of the Three Jewels[2]

This is a declaration of faith in Buddha, the Sacred Law, and the Church or Priesthood. It is still used in Ceylon at the ordination of a Buddhist monk.

I put my trust in Buddha;
I put my trust in the Law;
I put my trust in the Priesthood;
Again I put my trust in Buddha;
Again I put my trust in the Law;
Again I put my trust in the Priesthood;
Once more I put my trust in Buddha;
Once more I put my trust in the Law;
Once more I put my trust in the Priesthood.

558. Asoka's Law of Piety[3]

The celebrated emperor of India, Asoka, who mounted the throne probably in 274 B.C., was a convert to Buddhism. His inscriptions on pillars and rocks, enjoining the observance of Buddha's moral code, are still to be seen in India. The edict given below (No. 4 of the Rock Edicts) sets forth the practice of the law of piety or duty.

For a long period past, even for many hundred years, have increased the sacrificial slaughter of living creatures, the killing

[1] *I.e.*, after noon.

[2] H. C. Warren, *Buddhism in Translations*, Cambridge, Mass., 1896, p. 396. Harvard University Press.

[3] V. A. Smith, *Asoka, the Buddhist Emperor of India* (Third Edition), Oxford, 1920, pp. 165–166. Clarendon Press.

of animate beings, unseemly behaviour to relatives, unseemly behaviour to Brahmans and ascetics.

But now, by reason of the practice of piety by His Sacred and Gracious Majesty the King, the reverberation of the war-drums has become the reverberation of the law, while he exhibits spectacles of the dwellings of the gods, spectacles of elephants, bonfires, and other representations of a divine nature.[1]

As for many hundred years before has not happened, now at this present, by reason of the inculcation of the Law of Piety by His Sacred and Gracious Majesty the King, have increased abstention from the sacrificial slaughter of living creatures, abstention from the killing of animate beings, seemly behaviour to relatives, seemly behaviour to Brahmans and ascetics, hearkening to father and mother, hearkening to elders.

Thus, and in many other ways the practice of the Law has increased, and His Sacred and Gracious Majesty the King will make such practice of the Law increase further.

The sons, grandsons, and great-grandsons of His Sacred and Gracious Majesty the King will cause this practice of the Law to increase until the æon of universal destruction.[2] Standing firm in the Law of Piety and in morality they will inculcate the Law. For this is the best of deeds — even the inculcation of the Law. Practice of the Law is not for the immoral man. Both increase and non-diminution in this matter are excellent.

For this purpose has this document been caused to be written that they may strive for increase and not give countenance to diminution.

When he had been consecrated twelve years His Sacred and Gracious Majesty the King had this written.

559. Asoka's Edict of Toleration [3]

The edict given below (No. 12 of the Rock Edicts) certainly reflects a broad and liberal spirit on the part of its imperial author. Religious

[1] Asoka sought to engage the interest of his people by presenting religious spectacles rather than martial displays.

[2] At the end of 1000 Yugas (which make the daytime of a day of the Creator).

[3] V. A. Smith, *Asoka, the Buddhist Emperor of India* (Third Edition), Oxford, 1920, pp. 182–183. Clarendon Press.

persecution was, however, always exceptional in India, where the different sects, creeds, or forms of religion had so much in common.

His Sacred and Gracious Majesty the King does reverence to men of all sects, whether ascetics or householders, by gifts and various forms of reverence.

His Sacred Majesty, however, cares not so much for gifts or external reverence as that there should be a growth of the essence of the matter in all sects. The growth of the essence of the matter assumes various forms, but the root of it is restraint of speech, to wit, a man must not do reverence to his own sect or disparage that of another without reason. Depreciation should be for specific reasons only, because the sects of other people all deserve reverence for one reason or another.

By thus acting a man exalts his own sect, and at the same time does service to the sects of other people. By acting contrariwise a man hurts his own sect, and does disservice to the sects of other people. For he who does reverence to his own sect while disparaging the sects of others wholly from attachment to his own, with intent to enhance the splendour of his own sect, in reality by such conduct inflicts the severest injury on his own sect.

Concord, therefore, is meritorious, to wit, hearkening and hearkening willingly to the Law of Piety as accepted by other people. For this is the desire of His Sacred Majesty that all sects should hear much teaching and hold sound doctrine.

Wherefore the adherents of all sects, whatever they may be, must be informed that His Sacred Majesty does not care so much for gifts or external reverence as that there should be growth in the essence of the matter and respect for all sects.

For this very purpose are employed the Censors of the Law of Piety, the Censors of the Women, the Superintendents of pastures, and other official bodies. And this is the fruit thereof — the growth of one's own sect and the enhancement of the splendour of the Law of Piety.

SECTION XXIX

CHINA

560. Confucian Ethics [1]

The great sage K'ung Futze (the "philosopher K'ung"), whose name has become familiar to Westerners in its Latinized form "Confucius," was born in 551 B.C. in the feudal state of Lu, now included in the province of Shantung. His family, though old and distinguished, lived in straitened circumstances. Nevertheless, Confucius acquired so good an education that when twenty-two years of age he set up as a public teacher, professing to expound the doctrines of antiquity. Pupils resorted to him in increasing numbers, and his reputation for wisdom grew apace. It was during this period of his life that he collected and edited the "Five Classics," with which his name has ever since been associated. In his fifty-second year Confucius entered public life by becoming chief magistrate of Chungtu, in the state of Tsi. He later served as minister of justice in this state. After resigning office, Confucius passed many years in travels from court to court throughout China. He returned to Lu, when an old man, and died there in 478 B.C. Never fully appreciated in life, Confucius became after death the center of a religious cult. Temples were erected to him in all the principal cities of China, and during the second and eighth months of the year sacrifices are still offered to him with pomp and solemnity. Confucius himself had little to say about religion. He did not discuss the future life with his followers, considering that the main inducement to virtue should be well-being in the present life. God he seems to have regarded more as an abstraction than as a personality. Confucianism, in fact, forms a system of morality rather than a religion. It emphasizes, particularly, the virtues of filial piety, devotion to ancestors, fraternal benevolence, propriety of conduct, and reverence for learning. Such worldly wisdom is well set forth in the *Lun Yu* ("Analects") here quoted. This work seems to have been put together by the pupils of the disciples of Confucius, from the discourses and records of their masters, about 400 B.C.

Meng I Tzu asked for a definition of filial piety. The Master said: It consists in there being no falling off. Fan Ch'ih was

[1] Lionel Giles, *The Sayings of Confucius*, London, 1920, pp. 53–118 *passim*. John Murray. New York: E. P. Dutton and Company.

driving the Master's carriage some time after, when the latter told him, saying: Meng I Tzu asked me about filial piety, and I answered that it consisted in there being no falling off. — Fan Ch'ih said: What did you mean? — The Master replied: That parents should be served in the proper spirit while living, buried with the proper rites after death, and worshipped thereafter with the proper sacrifices.

Tzu Kung inquired about the higher type of man. The Master replied: The higher type of man is one who acts before he speaks, and professes only what he practises.

The Master said: The higher type of man is catholic in his sympathy and free from party bias; the lower type of man is biassed and unsympathetic.

Lin Fang inquired as to the prime essential in ceremonial observances. The Master said: Ah, that is a great question indeed! In all rites, simplicity is better than extravagance; in mourning for the dead, heartfelt sorrow is better than punctiliousness.

The nobler sort of man in his progress through the world has neither narrow predilections nor obstinate antipathies. What he follows is the line of duty.

The nobler sort of man is proficient in the knowledge of his duty; the inferior man is proficient only in money-making.

Better than one who knows what is right is one who is fond of what is right; and better than one who is fond of what is right is one who delights in what is right.

Fan Ch'ih asked in what wisdom consisted. The Master said: Make righteousness in human affairs your aim, treat all supernatural beings with respect, but keep aloof from them — then you may be called wise. Asked about moral virtue, he replied: The virtuous man thinks of the difficult thing [1] first, and makes material advantage only a secondary consideration. This may be said to constitute moral virtue.

[1] That is to say, the virtuous act.

The higher type of man is calm and serene; the inferior man is constantly agitated and worried.

Chung Kung inquired as to the meaning of true goodness. The Master said: When out of doors, behave as though you were entertaining a distinguished guest; in ruling the people, behave as though you were officiating at a solemn sacrifice; what you would not wish done to yourself, do not unto others.[1] Then in public as in private life you will excite no ill-will. Chung Kung said; Though I am not quick in thought or act, I will make it my business to carry out this precept.

The Master said: A man of inward virtue will have virtuous words on his lips, but a man of virtuous words is not always a virtuous man. The man of perfect goodness is sure to possess courage, but the courageous man is not necessarily good.

Some one asked: How do you regard the principle of returning good for evil? — The Master said: What, then, is to be the return for good? Rather should you return justice for injustice, and good for good.

Tzu Kung asked, saying: Is there any one maxim which ought to be acted upon throughout one's whole life? — The Master replied: Surely the maxim of charity is such: — Do not unto others what you would not they should do unto you.

To divine wisdom and perfect virtue I can lay no claim. All that can be said of me is that I never falter in the course which I pursue and am unwearying in my instruction of others — this and nothing more. — Kung-hsi Hua said: But those are just the qualities that we, your disciples, are unable to acquire.

Tzu, do you look upon me as a man who has studied and retained a mass of various knowledge? — I do, he replied. Am I wrong? — You are wrong, said the Master. All my knowledge is strung on one connecting thread.[2]

[1] The Confucian Golden Rule.

[2] The "connecting thread," as we learn from another passage in the *Analects*, is simply the moral life, which consists in being loyal to oneself and charitable to one's neighbor.

Absorption in the study of the supernatural is most harmful.

To sacrifice to a spirit with which you have nothing to do, is mere servility.

The Master said: Alas! I have never met a man who could see his own faults and arraign himself at the bar of his own conscience.

With coarse food to eat, water to drink and the bended arm as a pillow, happiness may still exist. Wealth and rank unrighteously obtained seem to me as insubstantial as floating clouds.

Pursue the study of virtue as though you could never reach your goal, and were afraid of losing the ground already gained.

Chi Lu inquired concerning men's duty to spirits. The Master replied: Before we are able to do our duty by the living, how can we do it by the spirits of the dead? — Chi Lu went on to inquire about death. The Master said: Before we know what life is, how can we know what death is?

The Master said: Shen, a single principle runs through all my teaching. — Tseng Tzu answered, Yes. — When the Master had gone out, the disciples asked saying: What principle does he mean? — Tseng Tzu said: Our Master's teaching simply amounts to this: loyalty to oneself and charity to one's neighbour.

561. The "Great Learning" [1]

The work called *Ta Hsio* summarizes Confucian teachings. It consists of a short text by Confucius, as handed down by the philosopher Tsang, together with ten explanatory chapters containing the views of Tsang as recorded by his disciples. The Confucian text is here quoted.

What the Great Learning teaches, is — to illustrate illustrious virtue; to renovate the people; and to rest in the highest excellence.

The point where to rest being known, the object of pursuit is then determined; and, that being determined, a calm unperturb-

[1] James Legge, *The Chinese Classics* (Second Edition), Oxford, 1893–1895, vol. i, pp. 220–223. Clarendon Press.

edness may be attained. To that calmness there will succeed a tranquil repose. In that repose there may be careful deliberation, and that deliberation will be followed by the attainment of the desired end.

Things have their root and their completion. Affairs have their end and their beginning. To know what is first and what is last will lead near to what is taught in the Great Learning.

The ancients who wished to illustrate illustrious virtue throughout the empire, first ordered well their own States. Wishing to order well their States, they first regulated their families. Wishing to regulate their families, they first cultivated their persons. Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge. Such extension of knowledge lay in the investigation of things.

Things being investigated, knowledge became complete. Their knowledge being complete, their thoughts were sincere. Their thoughts being sincere, their hearts were then rectified. Their hearts being rectified, their persons were cultivated. Their persons being cultivated, their families were regulated. Their families being regulated, their States were rightly governed. Their States being rightly governed, the whole empire was made tranquil and happy.

From the emperor down to the mass of the people, all must consider the cultivation of the person the root of every thing besides.

It cannot be, when the root is neglected, that what should spring from it will be well ordered. It never has been the case that what was of great importance has been slightly cared for, and, at the same time, that what was of slight importance has been greatly cared for.

562. Filial Piety [1]

"Honor thy father and thy mother" was, and is, as much a commandment with the Chinese as with the Hebrews. Confucius and

[1] *Hsiao King*, 10; *Sacred Books of the East*, vol. iii, pp. 480–481. Translated by James Legge.

later moralists agree that filial piety is the root out of which all other virtues grow, the great source of social happiness, and the bond of national strength and stability. An entire work, the *Hsiao King* ("Classic of Filial Piety"), is devoted to this preëminent virtue. In its present form the book may be traced at least as far back as the first century before the Christian era. It has always been very popular in China, and several emperors produced laborious commentaries upon it. The translation below is from an edition of the *Hsiao King* as published by the emperor Hsuan in 722 A.D.

The Master[1] said, "The service which a filial son does to his parents is as follows: — In his general conduct to them, he manifests the utmost reverence; in his nourishing of them, his endeavour is to give them the utmost pleasure; when they are ill, he feels the greatest anxiety; in mourning for them dead, he exhibits every demonstration of grief; in sacrificing to them he displays the utmost solemnity. When a son is complete in these five things he may be pronounced able to serve his parents.

"He who thus serves his parents, in a high situation, will be free from pride; in a low situation, will be free from insubordination; and among his equals, will not be quarrelsome. In a high situation pride leads to ruin; in a low situation insubordination leads to punishment; among equals quarrelsomeness leads to the wielding of weapons.

"If those three things be not put away, though a son every day contribute beef, mutton, and pork to nourish his parents, he is not filial."

563. The Cult of Ancestors[2]

Ancestor worship is universal in China. It must have arisen before historical times, judging from the references to it in the most ancient Chinese literature. The rule of Confucius that "parents when dead should receive sacrifices according to propriety" merely codified an age-long practice.

The Master said, "When a filial son is mourning for a parent, he wails, but not with a prolonged sobbing; in the movements of

[1] Confucius.

[2] *Hsiao King*, 18; *Sacred Books of the East*, vol. iii, pp. 487–488. Translated by James Legge.

ceremony he pays no attention to his appearance; his words are without elegance of phrase; he cannot bear to wear fine clothes; when he hears music, he feels no delight; when he eats a delicacy, he is not conscious of its flavour: — such is the nature of grief and sorrow.

"After three days he may partake of food; for thus the people are taught that the living should not be injured on account of the dead, and that emaciation must not be carried to the extinction of life: — such is the rule of the sages. The period of mourning does not go beyond three years, to show the people that it must have an end.

"An inner and outer coffin are made; the grave-clothes also are put on, and the shroud; and the body is lifted into the coffin. The sacrificial vessels, round and square, are regularly set forth, and the sight of them fills the mourners with fresh distress. The women beat their breasts, and the men stamp with their feet, wailing and weeping, while they sorrowfully escort the coffin to the grave. They consult the tortoise-shell [1] to determine the grave and the ground about it, and there they lay the body in peace. They prepare the ancestral temple to receive the tablet of the departed,[2] and there present offerings to the disembodied spirit. In spring and autumn they offer sacrifices, thinking of the deceased as the seasons come round.

"The services of love and reverence to parents when alive, and those of grief and sorrow to them when dead: — these completely discharge the fundamental duty of living men. The righteous claims of life and death are all satisfied, and the filial son's service of his parents is completed."

564. Perfect Government [3]

The philosopher Mencius (Meng Tze), whose date is 372(?)–289 B.C., was an ardent admirer of Confucius. Mencius devoted himself to an

[1] A method of divination.

[2] The ancestral soul is believed to reside particularly in a tablet kept in the family hall or living room.

[3] H. A. Giles, *Gems of Chinese Literature: Prose* (Second Edition), London, 1923, pp. 44–46. Shanghai: Kelly and Walsh.

exposition and defense of the Confucian morality against opposing systems. He imitated the Master in becoming the center of a large and flourishing school, to which inquirers after knowledge resorted for advice on the conduct of life. His original teachings, as laid down in the works bearing his name, are mainly political and economic in character. Mencius tells us that since the State exists only for the benefit of the people, it must not exact forced labor from them or burden them with heavy taxes. On the contrary, it must preserve peace and order at home; above all, it ought to assist the tillers of the soil, for national prosperity depends on agriculture. Mencius expressly asserts the right of rebellion against a tyrannical ruler. He places the people first, the gods of the State second, and the sovereign third, in the scale of national importance.

King Hui of Liang said to Mencius, "I exhaust my energies in the administration of government. If the harvest is bad on one side of the river, I transfer a number of the inhabitants to the other, and send supplies to those who remain. No ruler among the neighbouring States devotes himself as I do to the welfare of his people. Yet their populations do not decrease; neither does mine increase. How is this?"

Mencius replied, "Your Majesty loves war. Let us take an illustration from war: —

"The drums beat: blades cross: arms are flung aside: the vanquished seek safety in flight. Some will run a hundred yards and then stop; others, fifty only. Can those who run fifty laugh at those who run a hundred?"

"No, indeed," replied the king; "it was flight in both cases."

"And so," rejoined Mencius, "your Majesty, perceiving the application of what I have said, will not (under present conditions) expect your population to exceed the populations of neighbouring States.

"Let the times for agriculture be not neglected, and there will be more grain than can be eaten. Let no close-meshed nets sweep your streams, and there will be more fishes and turtles than can be eaten. Let forestry be carried on in due season, and there will be more wood than can be used. Thus, the people will be able to feed their living and bury their dead without repining; and this is the first step towards establishing a perfect system of government.

"Let the mulberry-tree be cultivated in accordance with regulation; then persons of fifty years old will be able to wear silk. Let due attention be paid to the breeding of poultry, and swine, and dogs; then persons of seventy years old will be able to eat meat. Let there be no interference with the labour of the husbandman; and there will be no mouths crying out for food. Let education of the people be reverently attended to; — above all, let them be taught their duties towards their parents and brethren; — and there will be no gray-headed burden-carriers to be seen along the highway. For, where septuagenarians wear silk and eat meat, where the black-haired people are neither hungry nor cold, it has never been that perfect government did not prevail.

"Your dogs and swine are battening on the food of men, and you do not limit them. By the roadside there are people dying of hunger, and you do not succour them. If they die, you say, 'It was not I; it was the bad season.' What is this but to stab a man to death, and say, 'It was not I; it was the weapon?' O king, blame not the season for these things, and all men under the canopy of heaven will flock to you."

King Hui replied, "I beg to receive your instructions."

Mencius continued, "Is there any difference between killing a man with a bludgeon and killing him with a sword?"

"There is none," answered the king.

"Or between killing him with a sword and killing him by misrule?" pursued Mencius.

"There is none," replied the king again.

"Yet in your kitchen," said Mencius, "there is fat meat, and in your stables there are sleek horses, while famine sits upon the faces of your people, and men die of hunger in the fields. This is to be a beast, and prey upon your fellow-man.

"Beasts prey upon one another, in a manner abhorrent to us. If, then, he who holds the place of father and mother to the people, preys upon them like a beast, wherein does his prerogative consist?

"Confucius said, 'Was he not without posterity who first buried images with the dead?' — meaning that these, being in

the likeness of man, suggested the use of living men. What then of him who causes his people to die of hunger?"

565. The "Tao"[1]

An older contemporary of Confucius, the celebrated Lao Tze, (b. 604 B.C.?) was the founder of Taoism. His philosophical views are set forth in the *Tao Teh King* ("Canon of Reason and Virtue"), which may be in part of his own composition. The word *tao* means, literally, "way," "road"; to Lao Tze it seems to have signified God or the Absolute or the Infinite. Lao Tze was a highly speculative thinker, who saw in nature and the phenomenal world the manifestation of a spiritual power. Man comes into harmony with it by "not doing," inaction, quietism — by the same self-effacement and suppression of desire in which Buddha found the path to salvation. Doctrines so obscure and mystical could never be understood by the multitude. Taoism, like Buddhism, consequently degenerated as it spread among the people. Beginning as a system of abstract philosophy, it became a religion with many gods, among whom Lao Tze himself has a prominent place; with countless saints and protecting spirits; with temples, monasteries, priests, and forms of public worship; and with a definite belief in the immortality, or at least prodigious longevity, of the soul. Various superstitions, such as alchemy, magic, divination, and the exorcism of demons, have also found a place in the popular Taoism. The following extract from the *Tao Teh King* sets forth Lao Tze's conception of the *Tao*.

There was something undefined and complete, coming into existence before Heaven and Earth. How still it was and formless, standing alone, and undergoing no change, reaching everywhere and in no danger of being exhausted! It may be regarded as the Mother of all things.

I do not know its name, and I give it the designation of the Tao, the Way or Course. Making an effort further to give it a name I call it The Great.

Great, it passes on in constant flow. Passing on, it becomes remote. Having become remote, it returns. Therefore the Tao is great; Heaven is great; Earth is great; and the sage king is also great. In the universe there are four that are great, and the sage king is one of them.

[1] *Tao Teh King*, 25; *Sacred Books of the East*, vol. xxxix, pp. 67–68. Translated by James Legge.

Man takes his law from the Earth; the Earth takes its law from Heaven; Heaven takes its law from the Tao. The law of the Tao is its being what it is.[1]

566. Sentences of Lao Tze [2]

These sentences are selected from the indisputably genuine remains of Lao Tze, to be found scattered here and there in early Chinese literature.

All the world knows that the goodness of doing good is not real goodness.

When merit has been achieved, do not take it to yourself. On the other hand, if you do not take it to yourself, it shall never be taken from you.

By many words wit is exhausted. It is better to preserve a mean.

Keep behind, and you shall be put in front. Keep out, and you shall be kept in.

What the world reverences may not be treated with irreverence.

Good words shall gain you honour in the market-place. Good deeds shall gain you friends among men.

He who, conscious of being strong, is content to be weak, — he shall be a cynosure of men.

The Empire is a divine trust, and may not be ruled. He who rules, ruins. He who holds by force, loses.

Mighty is he who conquers himself.

He who is content, has enough.

To the good I would be good. To the not-good I would also be good, in order to make them good.

If the government is tolerant, the people will be without guile. If the government is meddling, there will be constant infraction of the law.

[1] On the whole, not a very comprehensible statement. Lao Tze himself is said to have declared of the *Tao:* "Those who know do not tell; those who tell do not know."

[2] H. A. Giles, *Chuang Tzu, Mystic, Moralist, and Social Reformer*, London, 1889, pp. vii–ix. Shanghai: Kelly and Walsh.

Recompense injury with kindness.

The wise man's freedom from grievance is because he will not regard grievances as such.

Do nothing, and all things will be done.

I do nothing, and my people become good of their own accord.

Abandon wisdom and discard knowledge, and the people will be benefited an hundredfold.

The weak overcomes the strong, the soft overcomes the hard. All the world knows this; yet none can act up to it.

The softest things in the world override the hardest. That which has no substance enters where there is no fissure. And so I know that there is advantage in Inaction.

567. "God Questions"[1]

The famous statesman and poet Ch'u P'ing, whose name is still a household word in China, lived between 332 and 295 B.C. One of his longer poems consists of interrogations addressed direct to the Deity. It is called *God Questions*, and not, as we should expect, *Questions to God*, because, according to a Chinese editor, "God is an object of reverence and cannot be questioned; therefore the words are transposed." The opening of the poem recalls the utterance of Job on the mysteries of Nature.

At the beginning of antiquity,
Who was there to hand down the story?
When heaven and earth were without form,
Who examined and found them so?
The mysterious sequence of light and darkness,
Who could penetrate it?
In the confusion of chaos,
How could matter be recognized as such?
The changes of light and darkness,
How were they periodically brought about?
The male and female principles, our progenitors,
What was their origin, and how did they develop?
The nine layers of the round sky,
Who has measured them,

[1] H. A. Giles, *Confucianism and Its Rivals*, London, 1915, pp. 110–111. The Hibbert Trust.

And by whose skill were they constructed?
How was the turning-rope attached,
And how was the pole fixed?
How do the Eight Mountains support the sky,
And why is the south-east [1] low lying?
What do they rest on?
The nooks and corners of the universe,
Who can count them?
Where is the sky joined to the earth,
And who divided the twelve signs of the zodiac?
How are the sun and moon fastened on,
And how are the constellations laid out?
From its rising to its setting,
How many miles does the sun travel?
What virtue is there in the moon
By which it dies and is born again? . . .
Where do the spirits of Pestilence and Peace abide?
How does shutting bring darkness,
And opening bring light?
Before the dawn-star appears,
Where does the sun hide its beams?

568. Moral Maxims [2]

Many of these maxims are very old, and they are still quoted with respect by the Chinese. Their merit in their original form depends chiefly upon brevity and pointedness of expression, characteristics which it is impossible to retain in the process of translation.

Do not precipitate yourself into legal quarrels; but let concord and good understanding prevail among neighbours.

Do not rely upon your wealth, to oppress the poor; do not trust to your power and station, to vex the orphan and widow.

Knowing what is right, without practising it, denotes a want of proper resolution.

There are plenty of men in the world, but very few heroes.

[1] Towards which rivers flow.

[2] J. F. Davis, *Chinese Moral Maxims*, London, 1823, pp. 1–199 *passim*.

The best cure for drunkenness is, whilst sober, to observe a drunken man.

When you put on your clothes, remember the labour of the weaver: when you eat your daily bread, think of the hardships of the husbandman.

Without the wisdom of the learned, the clown could not be governed: without the labour of the clown, the learned could not be fed.

The fame of men's good actions seldom goes beyond their own doors; but their evil deeds are carried to a thousand miles' distance.

Though the life of man be short of a hundred years, he gives himself as much pain and anxiety, as if he were to live a thousand.

The three greatest misfortunes in life, are, — in youth, to bury one's father; — at the middle age, to lose one's wife, — and, being old, to have no son.

Wisdom, and virtue, and benevolence, and rectitude, without politeness are imperfect.

One man's good fortune, is the good fortune of his whole family.

The scholar is acquainted with all things, without the trouble of going out of doors.

It is easy to convince a wise man: but to reason with a fool is a difficult undertaking.

A single conversation across the table, with a wise man, is better than ten years' mere study of books.

The spontaneous gifts of heaven are of high value; but the strength of perseverance gains the prize.

In the days of affluence always think of poverty; do not let want come upon you, and make you remember with sorrow the time of plenty.

Modesty is attended with profit; arrogance brings on destruction.

It is equally criminal in the governor, and the governed, to violate the laws.

Doubt and distraction are on earth: the brightness of truth, in heaven.

If there be no faith in our words, of what use are they?

If riches can be acquired with propriety, then acquire them: but let not unjust wealth be sought for with violence.

Wine and good dinners make abundance of friends: but, in the time of adversity, not one is to be found.

Let every man sweep the snow from before his own doors, and not trouble himself about the frost on his neighbour's tiles.

Better to be upright with poverty, than depraved with an abundance. He, whose virtue exceeds his talents, is the good man: he, whose talents exceed his virtue, is the mean one.

Time flies like an arrow: days and months like a weaver's shuttle.

Do not anxiously hope for what is not yet come: do not vainly regret what is already past.

By learning, the sons of the common people become public ministers; without learning, the sons of public ministers become mingled with the mass of the people.

If you have fields, and will not plough them, your barns will be empty; if you have books, and will not give instruction, your offspring will be ignorant: if your barns be empty, your years and months will be unsupplied; if your offspring be ignorant, propriety and justice will not abound among them.

If you love your son, give him plenty of the cudgel: if you hate your son, cram him with dainties.

In enacting laws, rigour is indispensable: in executing them, mercy.

Do not consider any vice as trivial, and therefore practice it: do not consider any virtue as unimportant, and therefore neglect it.

569. The Sacred Edict[1]

K'ang Hsi (1661–1722), the second ruler of the Manchu dynasty, was equally renowned as a conqueror and as an enlightened administrator. While still a youth he issued the celebrated Sheng Yu, or Sacred Edict, for the benefit of his people. It consists of sixteen maxims, each one in the original containing seven characters or words. These were written on small pieces of wood and placed in government offices for

[1] William Milne, *The Sacred Edict*, London, 1817, pp. 29–284 *passim*.

public inspection. The Sacred Edict was reissued in an amplified form by K'ang Hsi's son and successor, the emperor Yung Ch'eng (1722–1736).

Pay just regard to filial and fraternal duties, in order to give due importance to the relations of life.

Respect kindred, in order to display the excellence of harmony.

Let concord abound among those who dwell in the same neighbourhood, in order to prevent litigations.

Give the chief place to husbandry and the culture of the mulberry-tree, in order to procure adequate supplies of food and raiment.

Hold economy in estimation, in order to prevent the lavish waste of money.

Magnify academical learning, in order to direct the scholar's progress.

Degrade strange religions, in order to exalt the orthodox doctrine.

Explain the laws, in order to warn the ignorant and obstinate.

Illustrate the principles of a polite and yielding carriage, in order to improve manners.

Attend to the essential employments, in order to give unvarying determination to the will of the people.

Instruct the youth, in order to prevent them from doing evil.

Suppress all false accusing, in order to secure protection to the innocent.

Warn those who hide deserters, that they may not be involved in their downfall.

Complete the payment of the taxes, in order to prevent frequent urging.

Unite the Paou and Kea,[1] in order to extirpate robbery and theft.

Settle animosities, that lives may be duly valued.

[1] 10 families form a *kea* and 10 *kea* constitute a *paou*. The former has its elder, the latter its chief.

SECTION XXX

JAPAN

570. The "Kami"[1]

The national faith of Japan is and always has been Shinto, a name derived from two Chinese words meaning the "Way of the Gods." Shinto may be described as a mixture of nature worship and ancestor worship. It recognizes countless spirits and gods (*kami*), together with deified men. It has no moral code and offers only dim notions concerning a supreme creator, human immortality, and rewards and punishments in another life. It is a religion without a founder, without a creed, and even without a sacred book, unless the myths preserved in the ancient compilations known as the *Kojiki* and the *Nihongi* be considered sacred. Shinto counts thirteen officially recognized sects, which are supported by voluntary contributions of their adherents. The description of the *kami* here given is by Motoöri, one of the great Japanese scholars who during the second half of the eighteenth century and the first half of the nineteenth devoted themselves to the revival of pure Shinto as it existed in the earliest period of Japanese history.

The term *kami* is applied in the first place to the various deities of Heaven and Earth who are mentioned in the ancient records, as well as to their spirits which reside in the shrines where they are worshipped. Moreover, not only human beings, but birds, beasts, plants and trees, seas and mountains, and all other things whatsoever which deserve to be dreaded and revered for the extraordinary and preëminent powers which they possess, are called *kami*. They need not be eminent for surpassing nobleness, goodness, or serviceableness alone. Malignant and uncanny beings are also called *kami* if only they are the objects of general dread. Among *kami* who are human beings I need hardly mention first of all the successive Mikados — with reverence be it spoken. . . . Then there have been numerous examples of divine human beings, both in ancient and modern times, who, although not accepted by the nation generally, are treated as gods, each of

[1] W. G. Aston, *Shinto (the Way of the Gods)*, London, 1905, pp. 8–9. Longmans, Green, and Company, Ltd.

his several dignity, in a single province, village, or family. . . . Amongst *kami* who are not human beings I need hardly mention Thunder. There are also the Dragon, the Echo, and the Fox, who are *kami* by reason of their uncanny and fearful natures. The term *kami* is applied in the *Nihongi* and *Manyoshiu* to the tiger and wolf. Izanagi[1] gave to the fruit of the peach and to the jewels round his neck names which implied that they were *kami*. . . . There are many cases of seas and mountains being called *kami*. It is not their spirits which are meant. The word was applied directly to the seas or mountains themselves as being very awful things.

571. A Prayer to the Sun Goddess[2]

The chief deity of Shinto is Amaterasu, the sun goddess, whose direct descendant is the mikado. Japanese myth describes her as the "ruler of heaven" and as "unrivaled in dignity." She wears royal insignia and surrounds herself with ministers, of whom the mikado's court is the obvious prototype. Even in ancient times there seems to have been some recognition of Amaterasu as a Providence watching over the welfare of Japan. The following prayer, addressed to her in 870 A.D. by envoys dispatched to her shrine at Ise, illustrates this conception of the goddess.

By order of the Mikado we declare with deepest reverence in the spacious presence of (with awe be her name pronounced) the Sovran Great Heaven-shining Deity, whose praises are fulfilled in the Great Shrine, whose pillars are broad-based on the nethermost rocks, and whose cross-beams rise aloft to the Plain of High Heaven on the bank of the River Isuzu in Uji, of Waterahi in Ise, as follows: —

Since the past sixth month reports have been received from the Dazaifu[3] that two pirate ships of Shiraki[4] appeared at Aratsu, in the district of Naka, in the province of Chikuzen, and carried off as plunder the silk of a tribute-ship of the province of

[1] Izanagi and Izanami were creator-deities in the seventh generation of the gods. It is with them that Japanese mythology really begins.

[2] W. G. Aston, *Shinto (the Way of the Gods)*, London, 1905, pp. 125–127. Longmans, Green, and Company, Ltd.

[3] The viceroyalty of Kiushiu.

[4] In Korea.

Buzen. Moreover, that there having been an omen of a crane which alighted on the arsenal of the Government House, the diviners declared that it presaged war with a neighbouring country. Also that there had been earthquakes with storms and floods in the province of Hizen by which all the houses had been overturned and many of the inhabitants swept away. Even the old men affirmed that no such great calamity had ever been heard of before.

Meanwhile news was received from the province of Michinoku of an unusually disastrous earthquake, and from other provinces grave calamities were reported.

The mutual enmity between those men of Shiraki and our Land of Yamato has existed for long ages. Their present invasion of our territory, however, and their plunder of tribute, show that they have no fear of us. When we reflect on this, it seems possible that a germ of war may spring from it. Our government has for a long time had no warlike expeditions, the provision for defence has been wholly forgotten, and we cannot but look forward to war with dread and caution. But our Japan is known as the country of the Gods. If the Gods deign to help and protect it, what foe will dare to approach it? Much more so, seeing that the Great Deity in her capacity (with awe be it spoken) as ancestress of the Mikado bestows light and protection on the Under-Heaven which he governs. How, therefore, shall she not deign to restrain and ward off outrages by strangers from foreign lands as soon as she becomes aware of them?

Under these circumstances, we present these great offerings by the hands of Komaye, Imbe no Sukune, Vice-Minister of the Bureau of Imbe, who, hanging stout straps on weak shoulders, has purely prepared and brought them hither. Be pleased graciously to hearken to this memorial. But if unfortunately such hostile acts as we have spoken of should be committed let the (with awe be it spoken) Great Deity, placing herself at the head of all the deities of the land, stay and ward off, sweep away and expel the enemy before his first arrow is shot. Should his designs ripen so far that his ships must come hither, let them not enter within our borders, but send them back to drift and foun-

der. Suffer not the solid reasons for our country being feared as the Divine Country to be sodden and destroyed. If, apart from these, there should be danger of rebellion or riot by savages, or of disturbance by brigands at home, or again of drought, flood or storm, of pestilence or famine such as would cause great disaster to the State or deep sorrow to the people, deign to sweep away and destroy it utterly before it takes form. Be pleased to let the Under-Heaven be free from alarms and all the country enjoy peace by thy help and protection. Grant thy gracious favour to the Sovran Grandchild, guarding his august person by day and by night, firm and enduring as Heaven and Earth, as the Sun and the Moon.

572. Religious and Moral Teachings [1]

These precepts are taken from two small volumes entitled, respectively, *Jitsugo Kyo* ("Teaching of the Words of Truth") and *Doji Kyo* ("Teaching of the Young"). They are ascribed to Buddhist abbots of the ninth century, but the doctrine of both has a Confucian no less than a Buddhist flavor. Many of the maxims come directly from Chinese sources. They were for centuries as familiar to the youth of Japan as the Sermon on the Mount is in Occidental lands.

Treasures that are laid up in a garner decay: treasures that are laid up in the mind decay not.

Though thou shouldst heap up a thousand pieces of gold: they would not be so precious as one day of study.

If thou, being poor, enter into the abode of the wealthy: remember that his riches are more fleeting than the flower nipped by the hoar-frost.

If thou be born in the poor man's hovel, but have wisdom: then shalt thou be like the lotus-flower growing out of the mud.

Thy father and thy mother are like heaven and earth: thy teacher and thy lord are like the sun and moon.

Other kinsfolk may be likened unto the rushes: husbands and wives are but useless stones.[2]

[1] B. H. Chamberlain, *Things Japanese* (Fifth Edition), London, 1905, pp. 335–337. John Murray.

[2] According to the Confucian ethical code a man's parents, his teacher, and his lord claim his lifelong service. His wife stands on a much lower plane.

He that loveth iniquity beckoneth to misfortune: it is, as it were, the echo answering to the voice.

He that practiseth righteousness receiveth a blessing: it cometh as surely as the shadow followeth the man.

Human ears are listening at the wall: speak no calumny, even in secret.

Human eyes look down from the heavens: commit no wrong, however hidden.

When a hasty word hath once been spoken: a team of four horses may pursue, but cannot bring it back.

The flaw in a mace of white jade may be ground away: but the flaw of an evil word cannot be ground away.

Calamity and prosperity have no gate: they are there only whither men invite them.

From the evils sent by Heaven there is deliverance: from the evils we bring upon ourselves there is no escape.

The gods punish fools, not to slay but to chasten them: the teacher smiteth his disciple, not from hatred but to make him better.

Though the sins committed by the wise man be great, he shall not fall into hell; though the sins committed by the fool be small, he shall surely fall into hell.

Life, with birth and death, is not enduring: and ye should haste to yearn after Nirvana.

The body, with its passions, is not pure: and ye should swiftly search after intelligence.

Above all things, men must practise charity: it is by alms-giving that wisdom is fed.

Less than all things, men must grudge money: it is by riches that wisdom is hindered.

573. The "Millenary Classic" [1]

This poem, long popular in Japan, is attributed to Chow Hing Tsu, a Chinese author who flourished about the middle of the sixth century A.D. Its Chinese name is *Tsien Tsz-Wan*, or "Millenary Classic."

[1] F. A. Lombard, *Pre-Meiji Education in Japan*, Tokyo, 1913, pp. 31–33.

The heavens are of a sombre hue; the earth is yellow.
The whole universe at the creation was one wide waste.
The sun reaches the meridian and declines; the moon waxes and wanes.
In divisions and constellations the stars are arranged.
Heat and cold, summer and winter, alternately prevail.
The autumn is for ingathering; and the winter for hoarding up.
Now this our human body is endowed
With four great powers and five cardinal virtues;
Preserve with reverence what your parents nourished.
How can you dare to destroy or injure it?
Let females guard their chastity and purity;
And let men imitate the talented and virtuous.
When you know your own errors, then reform;
And when you have made acquisitions do not lose them.
Forbear to complain of the defects of other people;
And cease to rely too much on your own superiority.
Let your truth be such as may be verified;
Your capacities [such] as to be measured with difficulty.
Observe and imitate the conduct of the virtuous;
And command your thoughts that you may become wise.
Your virtue once fixed, your reputation will be established;
Your habits once rectified, your example will be correct.
Sounds are reverberated in the deep valleys;
And are reëchoed through the vacant halls;
Even so misery is the recompense of accumulated vice;
And happiness the reward of illustrious virtue.
A foot of precious jade stone is not to be valued;
But for an inch of time you ought earnestly to contend.
In aiding a father and in serving a prince
Are alike required both gravity and respect.
The duty of filial piety demands every energy;
And fidelity to one's prince extends even to a sacrifice of life.
Be watchful as though near an abyss or walking on ice,
Always rising early to attend to the comfort of your parents;
Then your virtue will rival the Epidendrum in fragrance,
And in rich exuberance be like the luxuriant pine;

In constancy it will resemble the ever-flowing stream,
And in purity the waters of the limpid, unruffled lake.
Let your deportment be always grave and thoughtful,
And your conversation calm and decided;
Close attention at the commencement is truly admirable;
Assiduity to the end is equally becoming and excellent.
Such conduct is the basis of every glorious profession;
Its praises are great and without limit.
Excel in learning and you will ascend to official station,
Obtain rank and you will be charged with the affairs of government.
Then your memory will be cherished like the sweet pear tree,
And when you are gone it will be treasured up in song.

574. The Imperial Oath [1]

This Oath was taken by Mutsuhito at the sanctuary of the Imperial Palace in Tokyo on February 11, 1889, which, according to the official chronology, was the 2549th anniversary of the coronation of the first emperor Jimmu Tenno. It well illustrates the Japanese spirit of reverence for ancestors and the peculiarly intimate relations existing between the mikado and his subjects. The text follows the authorized English translation.

We, the Successor to the prosperous Throne of Our Predecessors, do humbly and solemnly swear to the Imperial Founder of Our House and to Our other Imperial Ancestors that, in pursuance of a great policy coëxtensive with the Heavens and with the Earth, We shall maintain and secure from decline the ancient form of government.

In consideration of the progressive tendency of the course of human affairs, and in parallel with the advance of civilization, We deem it expedient, in order to give clearness and distinctness to the instructions bequeathed by the Imperial Founder of Our House [2] and by Our other Imperial Ancestors, to establish

[1] Nobushige Hozumi, *Ancestor-Worship and Japanese Law* (Third Edition), Tokyo, 1913, pp. 81–83.

[2] Jimmu Tenno, grandson of Ninigi, who in turn was the grandson of Amaterasu, the sun goddess. From Jimmu all the subsequent one hundred and twenty-three mikados are believed to be descended in an unbroken line. The year of his accession to the throne is placed at 660 B.C., a date which marks the beginning of the Japanese era.

fundamental laws formulated into express provisions of law, so that, on the one hand, Our Imperial posterity may possess an express guide for the course they are to follow, and that, on the other, Our subjects shall thereby be enabled to enjoy a wider range of action in giving us their support, and that the observance of Our laws shall continue to the remotest ages of time. We will thereby to give greater firmness to the stability of Our country and promote the welfare of all the people within the boundaries of Our dominions; and We now establish the Imperial House Law and the Constitution. These Laws amount to only an exposition of grand precepts for the conduct of the Government, bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors. That We have been so fortunate in Our reign, in keeping with the tendency of the times, as to accomplish this work, We owe to the glorious Spirits of the Imperial Founder of Our House and of Our other Imperial Ancestors.

We now reverently make Our prayer to Them and to Our Illustrious Father, and implore the help of Their Sacred Spirits, and make to Them solemn oath never at this time nor in the future to fail to be an example to Our subjects in the observance of the Laws hereby established.

May the Heavenly Spirits witness this Our solemn Oath.

575. Imperial Rescript on Moral Education [1]

This Rescript was issued by Mitsuhito in 1890. It forms the basis of textbooks on moral education, which have been prepared by Japanese officials for use in all primary schools.

Our Imperial Ancestors have founded Our Empire on a basis broad and everlasting, and have deeply and firmly implanted virtue; Our subjects ever united in loyalty and filial piety have from generation to generation illustrated the beauty thereof. This is the glory of the fundamental character of Our Empire, and herein also lies the source of Our education. Ye, Our subjects, be filial to your parents, affectionate to your brothers and

[1] Baron Dairoku Kikuchi, *Japanese Education*, London, 1909, pp. 2–3. John Murray.

sisters; as husbands and wives be harmonious, as friends true; bear yourselves in modesty and moderation; extend your benevolence to all; pursue learning and cultivate arts, and thereby develop intellectual faculties and perfect moral powers; furthermore, advance public good and promote common interests; always respect the Constitution and observe the laws; should emergency arise, offer yourselves courageously to the State; and thus guard and maintain the prosperity of Our Imperial Throne coëval with heaven and earth. So shall ye not only be Our good and faithful subjects, but render illustrious the best traditions of your forefathers.

The Way here set forth is indeed the teaching bequeathed by Our Imperial Ancestors, to be observed alike by Their Descendants and the subjects, infallible for all ages and true in all places. It is Our wish to lay it to heart in all reverence, in common with you, Our subjects, that we may all attain to the same virtue.

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